

LOCAL GOVERNMENT
AND
TAXATION OF TOWNS INQUIRY COMMISSION
(IRELAND).

SUPPLEMENT TO PART III.

REPORT AND EVIDENCE,
WITH
APPENDICES.

KINGSTOWN AND DALKEY.

Presented to both Houses of Parliament by Command of Her Majesty.



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LOCAL GOVERNMENT AND TAXATION OF TOWNS INQUIRY
COMMISSION (IRELAND).

SUPPLEMENT TO PART III.

SPECIAL GENERAL REPORTS

of

KINGSTOWN AND DALKEY.

KINGSTOWN.

Kingstown.

A local governing body of Commissioners was first constituted for Kingstown by the 4 & 5 Wm. IV., cap. 90 (Local), under which the town was governed until the adoption in March, 1855, of the provisions of the 17 & 18 Vict., cap. 103, the "Towns Improvement (Ireland) Act, 1854." Upon the adoption of this Act, and the election of Commissioners under it, the 4 & 5 Wm. IV., cap. 90, ceased to be operative, except as to things already done. In 1859 the Local Act, the 22 Vict., cap. 18, for providing a public water supply for Kingstown was passed, but there does not appear to have been anything ever done under this Act. By the 24 & 25 Vict., cap. 118 (Local), the "Kingstown Improvement Act, 1861," the duty and care of maintaining the roads and bridges within the town were transferred from the Grand Jury of the county of Dublin to the Town Commissioners of Kingstown. The Municipal Commissioners were empowered to levy rates for the purpose of paying the costs of obtaining the Act and a. a. the Kingstown proportion of the county at large charges, the expenses of maintaining roads and bridges within the township, and providing compensation for the barony collector of county cess and the Secretary of the Commissioners, whose duties were to cease on the Act coming into operation.

Under this Act the finance committee of the county of Dublin Grand Jury make ^{Sec. 12, 11,}
their warrant each half year defining the amount of the county at large charges to be ^{13.}
contributed by Kingstown.

The Commissioners are empowered to levy "a Kingstown road rate" not to exceed ^{Sec. 13.}
1s. 6d. in the pound in the year, unless with the assent of a majority of not less than ^{Sec. 14.}
two-thirds of the ratepayers at a meeting specially convened by the Commissioners ^{Sec. 14.}
for the express purpose of considering the propriety of making an increased rate; but ^{Sec. 15.}
the entire rate is never to exceed 2s. 6d. in the pound in the year. The rate is to be ^{Sec. 15.}
assessed upon the same occupiers of premises, and in and at the same manner and ^{Sec. 16.}
times, and subject to the like exemptions, and with the like remedies by way of appeal or ^{Sec. 17.}
otherwise, as the other rates under the "Towns Improvement (Ireland) Act, 1854," and ^{Sec. 17.}
the Acts incorporated with it.

Compensation, the amount of which was to be fixed by the Lords Commissioners of the ^{Sec. 17.}
Treasury, was provided for Mr. Alms, the collector of county cess, for the loss of emolum- ^{Sec. 18.}
ment consequent upon the separation of Kingstown from the county. Provision was ^{Sec. 18.}
made for the case of future extension of the town limits.

A superannuation or retiring allowance, at the discretion of the Commissioners, but ^{Sec. 19.}
not to exceed two-thirds of his salary, was provided for Mr. Murray, the clerk to the ^{Sec. 20.}
Commissioners for upwards of twenty years then past, and who had on account of ill ^{Sec. 21.}
health placed his resignation in their hands; and the Act contained a saving of the ^{Sec. 21.}
rights of the Kingstown Harbour Commissioners.

In 1869, the 32 & 33 Vic., cap. 133 (the "Township of Kingstown Improvement Act, ^{Sec. 22.}
1869"), was passed. By this Act the Town Commissioners are incorporated, a new divi- ^{Sec. 23.}
sion of Kingstown into four wards, hereinafter named, was made, and the number of ^{Sec. 23.}
Commissioners to be returned for each ward was fixed.

2 LOCAL GOVERNMENT AND TAXATION INQUIRY COMMISSION (IRELAND).

KINGSTOWN.

Sec. 9.

The qualification of a voter is the being the immediate lessor, resident in the town or within seven miles of the boundary of it, of premises within the boundary rated at £50 a year; or being the occupier as tenant or owner, or being the immediate lessor (rated for such premises to the relief of the poor to the net annual value of £4 and upwards) of any lands, tenements, or hereditaments in the township.

Sec. 10.

The qualifications of a Commissioner is the being a lessor, resident in the township or within seven miles of the boundary of it, of premises rated at £50 a year; or being the occupier as owner or tenant of premises within the township rated at £25 a year. Ecclesiastics, bankrupts, insolvents, and arranging debtors are disqualified. The lists of voters are revised annually by a barrister appointed for the purpose by the Lord Lieutenant.

Sec. 11.

The Corporation of Dublin are bound to supply water at the rate of twenty gallons for each inhabitant per day, for which the Kingstown Commissioners pay to the Corporation, by way of rent, an annual sum, equal to 5d. in the pound on the Government valuation of the property in the township.

Secs. 47-52.

Provision was made for the appointment by the Lord Lieutenant of an auditor of the accounts. (This audit is now superseded by that under the Local Government Acts.)

Sec. 53.

The Commissioners are empowered to borrow and re-borrow, upon the security of the general yearly assessment provided for by section 60 of the "Towns Improvement (Ireland) Act, 1854," sums not exceeding £16,000, at a rate of interest not exceeding 5 per cent., to be repaid by a sinking fund of one-twentieth of the money borrowed.

Sec. 54.

The Commissioners are required to make, once in each year, a "sinking fund special rate" on all persons rateable under section 60 of the Act of 1854, provided that the total amount to be raised in any one year shall not exceed the amount required for that year for payment of interest and sinking fund, and shall be deemed to be part of, and not an addition to, the general yearly assessment under section 60 of the Act of 1854.

Sec. 55.

There is a power of appeal to the assistant barrister of the county of Dublin against any rate.

Sec. 56.

The expenses of obtaining the Act were to be paid out of moneys raised by or on the credit of the rate under section 60 of the Act of 1854, provided that the rate to be made for defraying such expenses shall be distinctly set forth, and shall be paid, deducted, and retained by the same persons, and in the same proportions, as if the same were a rate levied for relief of the poor. This direction does not appear to have been ever acted upon or followed.

Sec. 57.

The 34 & 35 Vict., cap. 109, the "Local Government (Ireland) Act, 1871," was adopted in Kingstown in January, 1873.

Sec. 58.

In 1874 the 37 & 38 Vict., cap. 167, the "Kingstown Township Extension Act, 1874," was passed. By this Act the limits of the Township were extended and the newly added places were removed from the control and government of the county Grand Jury to that of the Kingstown Commissioners; further compensation was provided for Mr. Alma; there was a re-arrangement of the wards into which the town was divided; the Commissioners acquired a further borrowing power to the extent of £3,000; and they were authorized to pay out of the rates £200 towards the costs and expenses of applying for the Act, and also their own costs and expenses of opposition to it. This Act had been promoted not by the Commissioners but by persons resident outside of the township boundary, in order to have their district made part of the township. The Commissioners petitioned against the Bill.

Mr. K. W. Alma,

Sec. 59.

By the 38 Vict., cap. 2, passed in 1875, confirming a provisional order of the Local Government Board in Ireland, the Kingstown Town Commissioners were empowered to borrow £10,000 to be applied in the making of internal drainage works. Of this £10,000, £2,000 was to be expended for works in that part of the Kingstown Township called Glasthule, and £8,000 on works in Kingstown not comprising Glasthule.

Sec. 60.

The municipal limits of Kingstown contain 1,450 acres, and the gross valuation is £77,000, the valuation for taxation being about £65,000.

Sec. 61.

The population was about 17,500 in 1871, but is constantly increasing.

Sec. 62.

Under the several statutes above referred to the Township is divided into four wards, the names, area, rateable value of property, number of voters in, and representation of which respectively are as follows:—

Wards.	Acre.	Valuation.	Voters.	Commissioners returned by.
				A.
Glasthule,	603 0 21	15,185 0 0	284	6
Kingstown, East,	290 0 18	21,688 10 0	277	6
Kingstown, West,	255 1 0	30,376 5 0	290	5
Monkstown,	515 3 31	12,495 0 0	181	3

The Commissioners have borrowed the following sums, viz., £16,000 on the 1st December, 1870, from the Patriotic Assurance Company, under the powers of the Act of 1869, at £5 per cent interest, and repayable by instalments of £400 a year. Of this £16,000, £2,400 has been paid off, and £13,600 remains due; the interest has been paid up.

Under their power of borrowing £3,000 under the Act of 1874, the Commissioners in December, 1875, borrowed from the Treasury £1,300 at 3½ per cent. repayable by means of a sinking fund, in thirty years, upon the security of the rate under the "Towns Improvement Act, 1854," for the purpose of laying pipes for the distribution of water to the extended districts under the Act of 1874, for which purpose it was applied. The Commissioners borrowed from the Treasury, under the "Provisional Order Confirmation Act" of 1875, on the 20th May, 1876, £2,000, for the purpose of the Glaslough internal drainage, and on the 27th May, 1876, £3,000, for the purpose of the Kingstown internal drainage. These sums, amounting to £10,000, were borrowed upon the security of the sewer rate levied under the "Public Health Act, 1874." They also borrowed, on the 14th November, 1876, under the authority of the Local Government Board, £8,000 to build a town hall, and also on the 14th November, 1876, £1,700, the balance of the £3,000 they were authorised to borrow under the extension Act of 1874, and £3,000 for the purpose of asphaltating the footways of the town. These sums of £8,000, £1,700, and £2,000 were borrowed from the Royal Exchange Assurance Company, at 4½ per cent., repayable in forty years by annual instalments. The £1,700 was borrowed for and applied in the payment of the costs hereinafter mentioned. At the time of our Inquiry the principal sum remaining due on these loans was £36,500, less by at least one instalment of the £1,300 amounting to £49 4s. 8d. The interest on all was paid.

We consider it necessary to call attention to the account given to us of the application of these sums, amounting to £39,000. Of the £16,000 borrowed on the 1st December, 1870, £2,797 8s. 10d. was paid for the costs of Messrs. Anderson and Lee, the Dublin solicitors for the promoters of the Act of 1869; £1,856 8s. 3d. was paid for the costs of Mr. Sharkey, their Parliamentary agent; and £1,421 8s. 10d. was paid for costs to Messrs. Casey and Clay, the solicitors who opposed the Bill on behalf of the Kingstown Commissioners. All these costs amount to £6,075 8s. 11d. The costs of obtaining the Act of 1869 were payable under its 67th section, but the Act does not sanction the payment of any costs of opposing the Bill.

Before entering an opposition to the Bill the Commissioners had been advised by counsel that the costs of opposition could not be legally paid out of the rates, and their solicitor, Mr. Lalor, declined to act for them in opposing it. Messrs. Casey and Clay, solicitors, of Dublin, were employed to oppose it on the terms of a special agreement, which is as follows:—

"We hereby agree and undertake to look only to the Township rates for payment of such costs and expenses as we may incur in opposing the passing of the Kingstown Township Bill, now before Parliament, in pursuance of the resolution of the Commissioners of this date."

"And that it is expressly and distinctly understood, and we hereby undertake and agree not to hold the Commissioners, either individually or collectively, personally liable to us for said costs or expenses on condition that the Commissioners will not give any opposition to our being paid out of the rates, if we shall be legally entitled to do, as your solicitors, in preserving and protecting the rates and property of the Township."

"Dated this 9th day of March, 1869.

(Signed),

"CASEY & CLAY."

After the Act passed, Messrs. Casey and Clay brought an action in the Court of Common Pleas in Ireland against the Commissioners for their costs of opposing the Bill. They appeared and took defence by their attorney, and by consent of the plaintiffs, Messrs. Casey and Clay, and the defendants, the Commissioners, a case was stated for the opinion of the Court of Common Pleas, the question to be decided being whether the rates and the moneys raisable upon the security thereof, could be properly applied for the payment of Messrs. Casey and Clay's costs. The Court declared that the rates were properly applicable for the payment of these costs, and accordingly the above-mentioned amount, £1,421 8s. 10d., was paid out of the £16,000 to Messrs. Casey and Clay. The ratepayers of Kingstown were not parties to or represented in this action, save so far as they could be said to be represented by the Commissioners, whose interest in the action was, as appears to us, opposed to their duty on behalf of the ratepayers, of defending the rates from liability. The costs of the action in the Court of Common Pleas were also paid out of the £16,000, and the balance of it, about £9,500, was applied in the pipe-laying works for the public water supply.

Of the £3,000 borrowed under the Act of 1874, £1,300 was expended in pipe-laying

B 2

Enclosure.
Evidence.
 works for the public water supply in the then recently extended districts of Kingstown. The remaining £1,700 which was afterwards obtained was applied in payment of £200, portion of the costs of obtaining that Act mentioned in section 25, and about £1,400 was applied as follows:—In the session of 1873 the Commissioners opposed a Bill promoted by the Dublin Corporation, and for that purpose employed Mr. Sharkey as their Parliamentary agent. Their costs of opposition were not in any way provided for by Parliament, and Mr. Sharkey sued them in the Court of Common Pleas in Ireland for £1,237 7s. 4d., the amount of his costs.

Evidence.
Evidence.
 A special case was, as in the former instance, stated for the opinion of the Court, whether the rates or the moneys borrowed upon the security of them, were applicable to the payment of these costs, and the Court declared that they were. Accordingly the £1,237 7s. 4d., and £34 17s. 9d. for interest at 5*per cent.*, and the costs of the suit were paid out of the £1,700 borrowed under the Act of 1874. The ratepayers were not represented in this case any more than they were in the former action. The Commissioners contend they were justified, under the Act of 1874, in making this application of the £1,700; and it was stated before us that they had the opinion of counsel to that effect.

The sum of £10,000 obtained from the Treasury for the purpose of internal drainage has been partly expended in these works.

Evidence.
Evidence.
Evidence.
Evidence.
 The £2,000 for Glasthule works has been expended in drainage works in Glasthule, but will not suffice to complete those contemplated as necessary for that district.

Evidence.
Evidence.
Evidence.
Evidence.
 Of the £8,000 to be applied for drainage works in Kingstown, there had been, up to the time of our Inquiry, £1,764 15s. 3d. expended upon those works, and the balance of £6,235 4s. 9d. was to the credit of the Commissioners at their bankers; and there was, at the time of our Inquiry, a proposition pending, and to come on before the Commissioners, for the investment of at least a portion of that sum in Government stock, until it should become necessary to use it in payment for works.

Evidence.
Evidence.
Evidence.
Evidence.
 There was a matter connected with the drainage works in Kingstown made under the Provisional Confirmation Act, 1873, which we feel bound to notice. Before a Provisional Order is made by the Local Government Board, they send one of their officers to hold a local inquiry and ascertain whether the proposed works are proper for the designated purpose, and whether the amount in respect of which borrowing powers are sought is fairly sufficient, and not excessive. Plans of the proposed works are submitted to him. That was done for the purpose of obtaining the power to borrow the £8,000, but a change in the plan of drainage works was made by the Commissioners, and a sum of £390 of the £8,000 was ordered to be expended in the drainage of Crosthwaite-park, which was chiefly the property of Mr. Crosthwaite, the then chairman of the Commissioners, while a place designated on the plan referred to by the Provisional Order for drainage was omitted. It was represented to us that on the 4th September, 1876, the Commissioners passed a resolution for applying to the Local Government Board as to the means of carrying out this proposition, and on the 20th September, 1876, the secretary of the Local Government Board wrote to the Commissioners that the officer of the Local Government Board reported to them that—

"It does not appear there is any particular objection to the proposed variation, but they, the Local Government Board, are not aware their sanction is necessary, or that they have any authority to give their sanction. The question for the Town Commissioners is, whether the proposed variation in a matter of details of the kind involves a material departure from the general plan referred to in the Provisional Order, and to the carrying out of which the money borrowed under the Act is directed to be applied."

Evidence.
Evidence.
Evidence.
Evidence.
Evidence.
 After the receipt of that letter the Commissioners directed the drainage to be made at Crosthwaite-park instead of the place designated on the plan referred to by the Provisional Order. It was represented on the part of the Commissioners, to the Local Government Board, that the town surveyor of Kingstown forgot to include Crosthwaite-park in the plans he prepared for the Board. The place designated in the plans referred to in the Provisional Order has been altogether omitted from the works, and Crosthwaite-park has been substituted for it. It appears, too, that the resolution of the 4th September, 1876, was not passed at a meeting of the Commissioners called in reference to that particular business, but at an ordinary meeting of the Commissioners in committee as the urban sanitary authority. It appeared to us that an impression existed that the place originally designated to be drained and sewered was omitted, and Crosthwaite-park substituted, in order to benefit the property of the Chairman of the Commissioners.

A great deal of dissatisfaction was, as will be hereafter seen, expressed as to the quality of the sewerage work done under the Provisional Order.

The £8,000 borrowed for building a town hall in November, 1876, at four and a half per cent., and repayable by forty annual instalments, has not yet been applied for its purpose.

The Commissioners propose to take a site from the Kingstown Harbour Commissioners for 999 years, at a rent of £65 a year, but any estimate the Commissioners have as yet got for building a town hall very far exceeds £8,000, and there does not appear to be any prospect of their being able to get a town hall built for £8,000. In the meantime interest at four and a half per cent., equal to £360 a year, is payable on the £8,000, and the principal is repayable by annual instalments of £200. As against these outgoings the Commissioners receive only the dividends on the Government new three per cent stock, in the purchase of which the £8,000 was invested on the 9th February, 1877. This is not profitable for the ratepayers, and it appears to us that the borrowing of the £8,000 at the time was premature and unnecessary.

Of the £2,000 borrowed for the purpose of making asphalt footways and crossings, the sum of £624 12s. 9d. had been expended in such works up to the time of our Inquiry, and the balance remained in bank to the credit of the Commissioners available and in course of being applied for the purposes for which it was borrowed.

Complaints were made that the sewerage of the town was in many instances imperfect. No map of the existing sewers was ever made as required by the provisions of the 13th section of the Towns Improvement Clauses Act of 1847. Some years since the then Board of Commissioners employed Mr. Pallas, o.c., to make a map of the then existing sewers, and he did so, but not on the scale required by the Act of Parliament. We could not ascertain for certainty whether or not that map has been continued by having marked thereon the new sewers made from time to time. Some time since the Commissioners ordered Mr. Doyle, their present surveyor, to make a complete map of the then existing sewerage, but he has not prepared it, and does not consider it any part of his duty to do so. In 1873 the Commissioners contracted a new sewer from George's-street to connect with one leading from Mulgrave-street to the Fortyfoot-road. This sewer was made under the following circumstances:—Mr. Doyle made the sewer by men employed by him under the superintendence of a man named Duff, the head ganger of the Commissioners. While the work was going on, Mr. Brady, a ratepayer, who had been employed by the Commissioners for five months under Mr. Pallas in examining and preparing the map of the sewers, saw the sewer and alleged that it was being constructed on a wrong level, and the flow in it was going the wrong way. He reported the fact to Mr. M'Evoy, the then chairman of the Board, and Mr. M'Evoy and Mr. Kelly (Town Commissioner) agreed to visit the place. When they met the sewer was quite dry, and Brady requested Mr. Kelly to go down into the sewer by a ladder placed there. He did so, and Brady suggested to Mr. Kelly to order that a dam which had been placed across the sewer between the point where the ladder was placed and the Mulgrave-street end of the sewer should be knocked away. That was done, and the sewage stuff from the Mulgrave-street sewer immediately flowed so fast along the newly constructed sewer to the ladder that Mr. Kelly had to leave the sewer at once. This indicated that the level of the sewer was the wrong way. Duff the ganger stated that he made it on the wrong level, but according to that given him by Mr. Doyle, and that he told Mr. Doyle so, but was told to mind his own business as he was only a servant.

After Mr. M'Evoy and Mr. Kelly had so inspected this sewer its condition was brought before the Committee of the Board, and, according to Mr. M'Evoy's recollection, he proposed to them that some other engineer should be appointed to examine the condition of this and the other sewers, but that his proposition was rejected; while Mr. Kelly states that such a thing did not take place. The Committee, however, appointed three of their body to examine this sewer, which they did. On the day of their going there Mr. Doyle called the police, and required them to remove Brady, who was also there, from the works, which they refused to do, as Brady stated he was there as a ratepayer, and was not interfering with Mr. Doyle or the works. The sewer was finished, notwithstanding Mr. Brady's representations; and it is stated that it is still out of level, and that at Mr. Buckley's end of it there is twelve inches of deposit as against only four at the other end. This was denied by Mr. Doyle and also by Mr. Barnes, an engineer examined by him, who stated that the sewer was on a proper level; while Dr. Roche, who was with Mr. Barnes on his recent examination of it, admitted that there was the difference of deposit at the two ends of the sewer; but he stated that that did not necessarily prove that the level of the sewer was not correct. The necessity for making such a sewer appears to be very questionable, as, if Duff's account of it be correct, it cannot drain the houses at one side of the street through which it is made, while those of the other side of the street can be and are, in fact, drained by another sewer; and Mr. Barnes himself stated that the sewer was too small, and that it, as also other sewers, were improperly trapped. It was evident that there was a strong feeling on the part of some ratepayers as to the action of the Com-

Kingstown.

Pr. 14123.

Pr. 300.

Pr. 571.

Pr. 523-547.

1032.

Pr. 471, 533.

Pr. 514-524.

Pr. 1214-1227.

Pr. 1488-1490.

Pr. 1204.

Pr. 1212.

Pr. 590, 591.

Pr. 1207, 1211.

Pr. 594.

Pr. 1212.

Pr. 1207, 1211.

Pr. 1212.

Pr. 594.

Pr. 1212.

Evidences

missioners about this sewer, and, as we understood it, the feeling was that the Town Commissioners should not have employed Mr. Doyle to plan and design other and more extensive and expensive sewerage works until they had ascertained by the employment of an independent engineer that he had not made the mistakes imputed to him with respect to the sewer in question. Mr. Doyle is also of opinion that no one should supervise or inspect any work which he is doing for the Commissioners.

Pr. 1888-1881.

Ex. 250.

After this sewer was made, or during its construction, Mr. Doyle prepared plans for the drainage of the Kingstown and Glasthule districts with a view of enabling the Commissioners to obtain a provisional order from the Local Government Board for making sewers at a cost of £8,000 for the Kingstown and £2,000 for the Glasthule district, as already stated. These plans showed the line of the proposed sewers, and by the colours whether they were to be made with bricks or pipes. No levels or sections were shown on the plans, but the sizes of some of the sewers and pipes were given. These plans were laid on the table of the board-room for two months, and Mr. Robinson then held the necessary inquiry for the Local Government Board, which resulted in the plans being passed, and the provisional order was made which was confirmed by the Act of the 39 Vict., cap. 2. The provisional order recites the preparation of plans by the surveyor showing the works necessary for the drainage of the two districts, and that the sums of £8,000 and £2,000 were sufficient to carry out the said works within the respective districts, and then sanctions the borrowing of £10,000 for the execution of the works.

Pr. 1887-2002.

After the passing of the Act Mr. Doyle thought fit to alter his designs as shown on the plans in several instances. At the end of the Glasthule district he had shown on the plan a brick sewer three feet by two feet, which he must then have considered necessary to carry off the sewage of that large district at its termination near the sea; but he afterwards without the authority of anyone substituted a fifteen-inch pipe in place of that sewer which is considered wholly insufficient. He stated at first he thought it would be sufficient by his increasing the fall, but this statement was evidently incorrect from the fact that he admitted that he intended the level of the new sewer to meet the level of the old one which he was to use as the outlet at Bullock harbour. Having admitted that it would be impossible for him to carry out the contemplated sewerage works in Kingstown district for which the loan of £8,000 was granted, according to his plans and specifications, in consequence of the contractor's tenders for the works being so much higher than his estimate, he stated that he would get over the difficulty by altering his plans and making the sewers at higher levels than he had originally contemplated. He considers that he has ample powers to do so without the authority of anyone, and he has not even applied for or obtained the sanction of his own board to his doing so. When pressed by us as to what he would do with houses the owners of which had constructed their basements on the faith of his original levels, as shown in his plans, though not on the one placed before Mr. Robinson, if he now raised the levels of the sewers adjoining those houses, he was unable to give any reasonable suggestion as to what he would do for them, nor could he now give to any builder the levels he designs for the new sewers to enable such builder to place the drains from his houses to such new sewer.

Ex. 2122-2-4.

Ex. 250-251.

Ex. 2091-2097.

Ex. 2121-1.

Ex. 2096-2102.

Ex. 235-237.

Ex. 202-204.

Ex. 94.

Ex. 206-2089.

Ex. 910-912.

Ex. 2253-2320.

1922.

Ex. 1014-1090.

Mr. Doyle distinctly stated that he thinks he may alter the sewers and plans as he likes from time to time. We pointed out to him that such a power if it were exercised might in fact annul the Provisional Order and Act of Parliament entirely, and allow a surveyor who had obtained large sums of money for one set of works which were approved of by the Local Government Inspector to apply them to other works which never would have been approved of by that Inspector. Beyond a doubt a strong feeling prevails in the minds of many of the ratepayers of a highly respectable and influential class that the sewerage works as designed by and partially constructed under the superintendence of Mr. Doyle are wholly defective and insufficient, and that the money expended on them has been partially if not entirely thrown away. It is right, however, to add that the Commissioners were wholly ignorant of the several changes in Mr. Doyle's plans as to the construction of the sewers and their levels, and that Mr. Doyle never gave them any information on the subject.

Several cases of defective and insufficient sewerage were brought under our notice by different individuals, some of which were admitted by Mr. Doyle to be well founded. One related to Sandycove Harbour, into which a large sewer leads. It is made of masonry about one foot square from the sewer, running along the public road called Sandycove-avenue. The sewage through that sewer has largely increased of late from the building of new houses, and it originally discharged at the high watermark. This was afterwards carried out to low watermark by a six-inch metal pipe leading from the one-foot square sewer. This pipe appears to be quite insufficient in size, besides

Ex. 2220.

Ex. 2575.

Ex. 2082-2087.

Ex. 1011-1048.

1927-1974.

1931-2000.

being completely broken up and lying about the harbour, the bottom of which dries at low water, and is now in a horrible condition. The smell in summer is intolerable. A ladies' and a gentlemen's bathing place are situated close to the entrance of this harbour, and at certain times of the tide it is impossible for anyone to bathe there from the foul condition of the water and the fearful smell. The place has been allowed to remain in that condition for a number of years to the great discomfort of, if not danger to, the inhabitants of this populous district. With regard to one of the pipe sewers more recently constructed, it was lately found to be completely choked and had to be broken open and cleansed by Duff the ganger, as described in his evidence. Numerous other complaints were made as to the condition and insufficiency of the sewerage, which it would take up too much time further to allude to in this Report, but which satisfied us that the existing sewerage of this populous and important township is in a defective condition and requires immediate and careful supervision and attention. The main streets of the township are twenty-two miles long, fourteen of which only have sewers, viz., eight miles of old sewers and six of new, which have been made by the Commissioners since the year 1868. Those which have been recently constructed under the provisional order of 1874 were done by contractors under specifications which provided inter alia, that the bricks should be the best county Dublin grey stock bricks; in some cases these bricks were not used to the knowledge of the surveyor and the Clerk of Works employed by the Commissioners, and the defective quality of the bricks used in the sewers is complained of. One gentleman stated that "sewers constructed with such bricks could not be of a lasting character." Mr. Doyle admitted that some of the bricks used were not according to the specification, but he passed them and certified for the work as done, because, as he said, he had power to vary the contract and specification as he thought proper. There is not, however, any clause in the contract or specification giving him any such power, as we pointed out to him.

The cement used in the construction of the sewers was not of the description or quality stipulated for in the specification, which provided that the cement to be used should be the "best London Portland cement." This is the best cement known in the trade, but what was used was different both in quality and value, and yet it was accepted and certified for by Mr. Doyle. The specification further provided for the use of "Jennings's patent pipe with a junction on the saddle" for the purpose of making proper connecting drains with the houses, but not one was used to the knowledge of Mr. Doyle, and the clerk of works stated that although he read the specification he did not carry it out, because he could not get the materials as they were not in the country. Objections were also made as to the mode in which the pipes were jointed, the surveyor stating that he would not allow cement to be used while the clerk of the works stated that he allowed it.

Evidence was also given as to the mode in which the pipes were laid and covered with large stones, which must have been most injurious to vitrified pipes. It also appears that a number of the connecting drains from the houses with the sewers are put in and made by the scavengers of the Commissioners under the superintendence of Duff, the head ganger, who said that they were laid by him, and also that some sewers were constructed by him without any levels being given or pointed out to him by the surveyor. He also spoke as to the bad level and size of some of the sewers, in answer to which the surveyor stated that Duff knew nothing about it, and farther, "that he was not competent to give an opinion on sewerage works or drains either."

It occurred to us, and we so stated, that if the surveyor entertained such an opinion about the man, he ought not to have employed him to undertake such important works. Mr. Kelly, on the part of the Commissioners, assured us "that they were ignorant of what was going on about the sewers and connecting drains, as they had never received any report from their surveyor or ganger on the subject." It would be impossible to go through, in detail, the several matters connected with the sewerage which was brought under our notice by several persons from different localities, many of whom were persons of intelligence and position, and fully competent to express the opinions which they did. The evidence of the witness Duff alone will show the defective nature of the sewerage executed by himself, and that with the other evidence satisfied us in the conclusion we came to at the Inquiry, and have above expressed, as to the insufficiency and defective nature of the existing sewerage.

It has been already stated that the sewers are not sufficiently trapped according to the opinion of Mr. Barnes, while Mr. Palles and Dr. Roche are of opinion that they are not sufficiently provided with ventilators. There does not appear to exist between the Commissioners and Mr. Doyle that harmonious action which is desirable, and complaints appear to have been made against him from time to time, which have been investigated

KINGSTOWN

Ex. 1884-2004.

Ex. 1402.

Ex. 1884.

EVIDENCE.
Ex. 812-815.

before the Commissioners, and on one occasion they sent a memorial to the Lord Lieutenant for his removal, but this idea was afterwards abandoned.

Ex. 1252-1264.
Ex. 1265-1271.

There are two matters connected with Mr. Doyle's conduct which we feel bound to allude to. Messrs. Edmundson were the contractors for laying, for the Commissioners, the water mains in the town. They had agreed as part of their contract to provide hydrant stones, three feet six inches square, of Dalkey granite. At the time the contract was signed Mr. Doyle assured Mr. Wigham, one of the firm, that there would be no difficulty in getting the necessary size of granite at Dalkey for those stones, and he actually offered to get a person there to provide them. Mr. Wigham agreed and gave the order for the stones, and Mr. Doyle afterwards certified for them when furnished as if they were the proper size, and Messrs. Edmundson paid the man who supplied them under Mr. Doyle's order as if for the full-sized stones. It turned out, however, that the stones supplied were only three feet square, instead of three feet six inches, and were not Dalkey granite at all, and the Commissioners afterwards deducted the sum of £50 from the Messrs. Edmundson's account for the difference in the value of the stones.

Ex. 813.

Mr. Doyle's conduct in relation to this matter, and also as to certifying for stones and crossing blocks not delivered, was investigated at the time by a Committee of Inquiry appointed by the Commissioners, and their report laid before the Commissioners on the 18th August, 1871, will be found set out in full at question 817.

Ex. 1252-1264.
Ex. 1265-1271.

During the progress of Messrs. Edmundson's contract, Mr. Doyle on one occasion applied to Mr. Wigham for a loan of money, which he gave him on his I.O.U., and afterwards paid; and on another occasion Mr. Doyle went security for Mr. Brady, a contractor employed by the Commissioners for the laying of asphalt, to enable him to obtain certain materials on credit from a Commissioner. We cannot but think it wrong for a person in Mr. Doyle's position to borrow money from or go security for a contractor, when he is the person to stand between the Commissioners and the contractor, in order to see that they perform their contracts. It was not, however, even suggested that any loss occurred to the Commissioners from Mr. Doyle's having acted in this way.

Ex. 814-816.

The sanitary condition of the township is in many places far from satisfactory. The Commissioners have two sub-sanitary officers who appear most attentive and efficient, one of them being a sergeant in the Metropolitan Police, who is permitted to act for the Commissioners. They have also efficient sanitary and consulting sanitary officers. The sub-sanitary officers appear to report nuisances regularly to the sanitary officers, who report them to the Sanitary Committee of the Commissioners, and they make all necessary orders thereon. In the year 1866 the sanitary condition of Kingstown was very bad, as will appear from a report of the late Mr. Charles Halliday made to the Statistical Society of Dublin, and which was, after the death of that gentleman, edited with notes in the year 1867 by Dr. Thomas More Madden. Extracts from that report as to the condition of parts of Kingstown will be found at questions, 2176, 2206, 2214, 2222 and 2227.

Ex. 48.
Ex. 1422.
Ex. 1556.
Ex. 817-8.

It will be seen from the evidence of Dr. O'Flaherty, the sanitary officer, that much has been done to improve the condition of the places referred to by Mr. Halliday, but that there is still a great deal that has not been done, and he also stated that he could show us courts "that ought to be swept off the face of the earth," and further that if an epidemic were now to break out in Kingstown it would most probably be attended with serious consequences. Mr. Doyle likewise stated that there were some exceedingly poor houses in the centre of Kingstown which were very badly provided with any accommodation, and he added that the whole of those places should be levelled to the ground to make other arrangements. We invite your Grace's attention to the entire evidence of Dr. O'Flaherty, in which he describes the sanitary condition of the township. (See evidence, questions 2151 to 2251.) The difficulties in carrying out the Sanitary Act were pointed out by Mr. Ennis at questions 580 and 2721.

Ex. 2152-2.
Ex. 2226.

It will be perceived in that evidence that Dr. O'Flaherty is of opinion that the greatest sanitary want in Kingstown is the want of a proper connexion from the dwelling-houses to the main sewers, and that this should be at once supplied. We allude to this opinion, expressed by a man in the position of the sanitary officer, who ought to know the matter well, in contradistinction to the evidence of Mr. Doyle, who told us that almost all the houses had connecting drains.

Ex. 1522.
Ex. 1551.
Ex. 1550.

Many cases of individual nuisances were pointed out, and with respect to some it was alleged that the sanitary officers and Commissioners were not sufficiently active in enforcing the abatement of them; but although in some few cases there may have been partial delay, on the whole it appears to us that in all cases where reports were made as to the existence of nuisances by the sanitary officer the Sanitary Committee did all

Ex. 1275-1281.

Ex. 1545.

in their power to have his recommendations carried out. The consulting sanitary officer also, while stating that great improvements had been made in sanitary matters, fairly admitted that much more was necessary to be done.

We were also referred by Mr. M'Evoy to the evidence given by him before the Select Committee of the House of Commons which passed the Kingstown Act of 1869, with reference to the sanitary state of Kingstown, and to that given before the same Committee on the 23rd April, 1869, by Mr. James M'Henry, an Inspector of the Dublin Sanitary Board, some extracts from which will be found at questions 2524-2526.

A great deal of the improvement in sanitary matters, particularly in the poorer parts of the town, is to be attributed to the introduction of the Vartry water, which is now supplied in almost every, if not in every, lane in the township, whereby the poor have an ample supply of pure water, and by it the scavengers are enabled to scour and wash out the lanes, many of which are not provided with sewers, and could not be at all cleansed before from the want of any water supply.

Complaints were made that in some localities night soil and refuse was thrown into some of the lanes and public streets. Having regard to the condition of some of the localities as above described, and the total want or insufficient means of accommodation provided, it is easy to believe that those complaints are well founded.

The slaughter-houses of the town, with only two or three exceptions, caused from some legal difficulties, are registered, and appear to be frequently visited and properly attended to.

The lodging-houses are all duly registered and inspected. The owners have been furnished with the proper rules and regulations for their guidance, and overcrowding is not permitted in them.

The Commissioners have not established any morgue or disinfecting apparatus within the township. They provide a proper means of conveyance for persons who are suffering from infectious disease being removed to hospital, in which ample accommodation is provided for such cases within the township.

The Commissioners have a store-yard in the market house and another behind the Town Hall, in which their property, consisting of asphalt and other materials, including a large quantity of broken stones for the repairs of the roads, is stored from time to time. The tools of the workmen and carts owned by the Commissioners are also kept there. They have a storekeeper, Mr. Tomlinson, at a salary of 25s. a week, who is supposed to take charge and keep an account of all the goods and materials from time to time stored there, and also what is received in and delivered out of each yard. We say he is supposed to do this duty, but it is impossible for him to do so, as he is employed each day in the market as weighmaster for the Commissioners, from six in the morning till six in the evening, and during his absence, as far as we could see, there is not any responsible person in charge of the Commissioners' property in either yard. The men employed by the Commissioners go and take what materials they want, and it is impossible that any sufficient account or check could be kept of the materials taken away, as it sometimes is taken without any order. In April, 1875, the storekeeper was called before the Board, and it was resolved—

"That the storekeeper for the time being should consider himself in charge of all goods, both in the Town Hall yard and market, and that no goods are to be removed from the Town Hall yard or market without notice to the storekeeper, and on an order from the Town Surveyor, and signed by him."

And on the same day a resolution was passed, as follows—

"That the storekeeper is to be in the market from seven in the morning to six in the evening."

There can be no doubt that this resolution has not been carried out, as goods and materials have been frequently delivered and taken from the yards without any order signed by the town surveyor. A complaint was made before us with reference to some asphalt which had been taken from the yard by one of the carters and brought to Mr. Crosthwaite's premises for his private use. The storekeeper having heard of its removal, reported the matter on the following day to the Board. The matter was investigated by them, and afterwards Mr. Crosthwaite returned some of the same kind of asphalt, or some of a better quality, and also paid something towards making up the value of what was taken. Mr. Doyle was laying some asphalt for Mr. Crosthwaite, and Duff alleged that Mr. Doyle told him to give Brady whatever he required for Mr. Crosthwaite without any order, and that in consequence of this he gave it. This was denied by Mr. Doyle, but no order was produced by him as having been given to authorize the removal of these goods. A question was raised as to whether the actual quantity taken had been returned or paid for by Mr. Crosthwaite. Brady said he got 25 or 26 cwt. altogether, and by the surveyor's book he got only 13 cwt., and only 10 cwt. was returned. The fact that any of the goods of the Commissioners could be removed

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Pr. 2220-L

Pr. 2222

Pr. 2223

Pr. 2224-2225

Pr. 2226

Pr. 2227-2228

Pr. 2229

Pr. 2230-2231

Pr. 2232

Pr. 2233-2234

Pr. 2235-2236

Pr. 2237-2238

Pr. 2239

Pr. 2240

Pr. 2241-2242

Pr. 2243

Pr. 2244

Pr. 2245

Pr. 2246

Pr. 2247-2248

Pr. 2249

Pr. 2250-2251

Pr. 2252

Pr. 2253

Pr. 2254-2255

Pr. 2256

Pr. 2257-2258

Pr. 2259-2260

Pr. 2261-2262

Pr. 2263-2264

Pr. 2265

Pr. 2266-2267

Pr. 2268-2269

Pr. 2270

Pr. 2271-2272

Pr. 2273-2274

Examiner. in such a way, and that the quantity taken could not be clearly ascertained, shows the necessity for an alteration in the management of the Commissioners' property.

Ex. 68. The Town Commissioners have not any property, and do not receive any income save from rates, fines, and interest of moneys to their credit, and tolls from a public market. They levy an Improvement Rate under the Act of 1854, which for this year is £s. 6d. in the pound, a Road Rate under the Act of 1861 of 1s. 6d. in the pound, and a Sewer Rate of 3d. in the pound, for the purpose of paying off the money borrowed for the internal Drainage works. The Municipal Rates for the year are 3s. 1d. in the pound, being the highest ever levied. The Improvement Rate was estimated to produce £4,590, the Road Rate, £4,860, and the Sewer Rate something over £540, making a total income from rates for the year of at least £9,990. The entire receipts for the year, including £11,700 borrowed as above mentioned, exclusive of Sewer Rates and moneys borrowed for drainage purposes, amount to £21,278 17s. 11d. (For particulars see Accounts, Appendix No. 1, page 114.)

Ex. 69. The expenditure in making main sewers for internal drainage has been made out of the moneys borrowed for the purpose. There was paid to the Dublin Corporation for the public water supply £1,325 14s. 3d., and the other expenses in respect of the water supply bring up the total expenditure for the year under this head to £1,690 6s. 2d. The township's contribution to the county at large purposes of the county of Dublin amounted for the year to £1,723 19s. 1d. The expenditure also includes £250 paid to Sir John Hawkhaw, the eminent engineer, for plans of main drainage.

Ex. 70. Under the head of law and parliamentary costs credit is taken by the Commissioners for £1,919 12s. 6d., including £1,237 7s. 4d. above mentioned as paid to Mr. Sharkey, and £54 17s. 7d., interest thereon, and the costs of the action brought by him. The entire expenditure, exclusive of that under the head of sewer rates, amounted to £10,549 11s. 1d., leaving an apparent balance in favour of the Commissioners of £10,629 4s. 10d., which, however, is made up entirely of so much of the £11,700 loan as has not yet been expended by them. The particulars of these expenditures will be seen on the credit side of the abstract of accounts already referred to (Appendix No. 1, p. 114).

Ex. 71. Estimates are prepared by the Town Clerk each year of the estimated amount of expenditure for the township for the then ensuing year, with a view of ascertaining and striking the necessary rates to meet such expenditure, and last year's estimate showed an apparent surplus of £36 14s. 4d. only on foot of the improvement rate, calculated at 1s. 5d. in the pound. In preparing these estimates, Mr. Ennis charged us against the road rate, sums of money which it occurred to us were not, at all events to the amount charged, properly payable out of that rate; for instance, the town surveyor's salary of £250 was entirely charged on the road rate, while a large portion of his time must necessarily be spent in looking after the new sewerage works which are being so largely executed in the town, and in other matters connected with the township unconnected with the roads. In like manner in the estimates £120 only is charged against the improvement rate for the scavengers' wages, and £800 is charged to the road rate, while it was proved that a large portion of the scavengers' time is occupied in making connecting drains, and in other matters in relation to the sanitary condition of the town. A separate account is not kept of the different rates, which are paid into a general fund in the Bank, out of which all the payments are made indiscriminately, and thus it is impossible to see whether the proper payments and no others are made out of each rate.

Ex. 72-73. The Town Commissioners do not derive any profit or income from, or exercise any control over, the harbour of Kingstown, which is under the control and management of the Kingstown Harbour Commissioners, constituted under certain statutes. The road or street along the harbour is kept in repair by the Harbour Commissioners. All the other roads, streets, lanes, footways, &c., in the township are kept in repair and scavenged by the Town Commissioners, by whom also the township is lighted, the gas being supplied under contract by the Alliance and Dublin Consumers Gas Company.

Ex. 74-75. We have referred to the 26th section of the "Kingstown Improvement Act, 1861," by which a superannuation allowance was provided for James Murray, the former Town Clerk or Secretary to the Commissioners, who had resigned on account of ill health. His superannuation allowance was fixed at £66 13s. 4d. a year, being two-thirds of his salary. For some years the Town Commissioners paid out of the public funds this superannuation allowance to James Murray, and at the same time continued to employ him as their Town Clerk and Secretary at a salary of £100 a year, which also was paid to him out of the public funds. In 1868 an information by Her Majesty's Attorney-General in Ireland, at the relation of Michael McGarry, a ratepayer, was filed in the Court of Chancery in Ireland, against James Murray and sixteen of the Kingstown Commissioners, and Mr. Ennis, the Town Clerk, complaining of this transaction, and praying that James

Murray and the several Commissioners named in the information, should pay to the credit of the Town Commissioners of Kingstown the several sums improperly paid to Murray.

This suit resulted in a decree, made on the 15th April, 1869, by which it was ordered that James Murray do within a month lodge to the credit of the Kingstown Commissioners £166 13s. 4d., and in default of such lodgment by James Murray it was declared that fourteen of the sixteen Commissioners named were liable jointly and severally to contribute the sum of £166 13s. 4d., or so much thereof as James Murray should fail to pay, in proportion to be measured by the length of time that each of them held the office of Town Commissioner during the period of the payments, and the decree contained elaborate directions for contribution between themselves by the several Commissioners declared to be liable. James Murray never paid in any portion of the £166 13s. 4d. The Commissioners named in the decree became liable upon the expiration of one month from the date of it to pay in the £166 13s. 4d., but they have not done so. Several of the Commissioners named in the decree are at present Town Commissioners. On our inquiring why this money had not been paid in it was suggested that the present Town Commissioners were not liable for it. It is manifest to us that the liability declared by the decree was an individual personal liability of each Commissioner named therein, and not the liability of a corporate or quasi corporate body, and that the Commissioners as a corporate body have neglected their duty by not enforcing for the benefit of the ratepayers payment of the amount payable under the decree.

The rates appear to be well collected by the collector, who gives security for the due collection of the rates, and the payment to the credit of the Commissioners of the moneys received by him.

Upon our inquiry as to the ascertainment and writing off of irrecoverable arrears of rates, our attention was called to the report of the auditor, Mr. Finlay, on the accounts for 1876, in relation to an item of £1 3s. 4d., the rate on premises in respect of which Mr. Crosthwaite, one of the Commissioners, had been rated, which had been described as irrecoverable by reason of non-occupancy of the premises, but had been afterwards paid in to the credit of the rate. The amount, £1 3s. 4d., is small, but the circumstances are peculiar. Mr. Finlay says, in his report, that :—

"It was objected to at the audit on a former occasion, that £1 3s. 4d. arrears of rate on a stable, the property of a member of the Board, and which was let by him to another member to enable him to complete his qualification for the office of Commissioner, and to which stable he was accordingly rated, was declared irrecoverable by the Commissioners, on receipt of a declaration of non-occupancy in the usual form. On inquiry into the matter it was quite apparent that the rate should have been collected, and on my expressing an opinion to that effect, the amount was at once paid in by the rated occupier. It was alleged that the declaration was made by the owner through mistake."

On our inquiry it was stated to us that, in January, 1875, in order to supply a vacancy caused by death or resignation, Mr. Lagan was nominated and elected by a resolution of the Commissioners, dated 25th January, 1875, as a Commissioner for Kingstown East ward. Previous to his election he occupied premises rated at £30 a year only, which did not constitute the qualification required by the Act. In order to qualify Mr. Lagan, Mr. Crosthwaite, the Chairman of the Commissioners, let him a stable in Crosthwaite-park, rated at £8 a year. This gave Mr. Lagan the required qualification. The terms of the letting were not disclosed to us. It was not suggested that this stable was not required to complete Mr. Lagan's qualification. Mr. Lagan on the 10th March, 1875, made before Mr. Crosthwaite, as a magistrate, the declaration of his qualification as required by the statute, which was produced before us declaring that he was an occupier of lands, &c., rated to the relief of the poor at the net annual value of £25 and upwards. On the 30th November, 1875, Mr. Crosthwaite, the owner of the stable, made before Mr. Barrett, the present Chairman of the Commissioners, a declaration in the words following :—

"I, John Crosthwaite, do solemnly and sincerely declare that the premises herein described have been empty, unoccupied, unfurnished, and unoccupied, save by a caretaker, from the 1st January, 1875, to the 14th December, 1875."

The premises described consisted of the stable let to Lagan. On this declaration the arrear of £1 3s. 4d. was returned by the collector in the list of uncollectable arrears which were afterwards declared uncollectable by the Commissioners.

Mr. Lagan's name was not put on the rate book until some time in 1876. A very unsatisfactory explanation of this matter was offered by Mr. Ennis, the Town Clerk, but neither Mr. Crosthwaite nor Mr. Lagan, who both had ample opportunity during our Inquiry at Kingstown of doing so, gave us any explanation of the matter. Mr. Redmond, the collector, stated that the practice of making the declarations of non-occupancy some

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Ex. 100-144.
Auditor
Report on
Arrears in
the December
1870.
See Appendix
Vol. I, page 136.

Ex. 100-146,
170-171.

Ex. 145-152.

Ex. 126.

Ex. 118.

Ex. 108-109.

Ex. 110.

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EVIDENCE.

time before the close of the financial year was adopted some years ago by the directions of the Commissioners in order to facilitate the closing of the accounts. This instance shows that the Commissioners' system of ascertaining uncollectable arrears is not always efficacious. It appears that arrears of rates are sometimes declared uncollectable upon receipt of declarations of non-occupancy made by persons who are not the owners nor even the agents of the owners of the premises in question.

The Commissioners in 1873 deemed it necessary that an enlarged system of main drainage of the township should be adopted. By their directions their town surveyor, Mr. Doyle, prepared plans of a system of main drainage, which were submitted to Sir John Hawkshaw for his opinion. Sir John Hawkshaw disapproved of Mr. Doyle's plans, and suggested a different scheme. The Commissioners, nevertheless, adopted Mr. Doyle's plans, and in 1875 memorialised the Local Government Board for a Provisional Order in respect of nineteen different matters, including powers for the compulsory purchase of lands, &c., for the purpose of making main drainage works according to the deposited plans. The proposed works were described in the memorial as sewers No. 1, No. 2, and No. 3. The advising counsel of the Local Government Board was of opinion that the memorial should not be entertained in respect of any matter save so far as it sought for the right to exercise powers of compulsory purchase. His opinion was communicated by the Local Government Board to the Commissioners, who applied to have the usual inquiry held by the officer of the Local Government Board limited to the matters mentioned in the opinion of counsel. The inquiry was accordingly held; and at it the Commissioners were opposed by some of the ratepayers, with the result that the sewer works No. 3 were rejected by the Local Government Board. When the Provisional Order was being made out as regards the works No. 1 and No. 2, the Commissioners were required to specify the lands in respect of which powers of compulsory purchase were sought. It appeared that before the inquiry was opened the parties, viz.—The Dublin, Wicklow, and Wexford Railway Company, and the Kingstown Harbour Commissioners, in respect of whose properties powers of compulsory purchase were alleged to be required, had made arrangements with the Town Commissioners, which rendered the exercise of powers of compulsory purchase unnecessary; and the Local Government Board have, by their letter of 2nd May, 1877, which is set out in the evidence No. 3117, intimated their intention of declining to make any Provisional Order, and stated fully their reasons for doing so.

The proceedings to obtain the Provisional Order are in the result useless. It was stated to us by the solicitor for the Commissioners that his costs of applying for the Provisional Order and the Inquiry have been paid to him by them out of the rates, but the amount was not stated. The costs of the Local Government Board have not yet been paid.

EVIDENCE.

No. 3202-3223. A complaint was made by Mr. Perrin, a ratepayer in the township, and a candidate at the election of 1877 for the place of Commissioner in Kingstown East ward, for which ward Mr. Crosthwaite was a Commissioner, that the election was improperly conducted. There were two vacancies caused by the going out of office in rotation of Mr. Crosthwaite and another Commissioner. There were three candidates, namely, Mr. Crosthwaite, Mr. Donovan, and Mr. Perrin. Mr. Crosthwaite acted as presiding officer at the election. The three candidates were duly nominated by two ratepayers, under the provisions of the Ballot Act, and their respective nomination papers were duly signed by eight assentors as required by the Act. Mr. Perrin stated, that he had at the solicitation of several ratepayers allowed himself to be put in nomination. He had received from the town clerk, on the 21st December, 1876, the usual notification that his nomination paper had been received, that he was a candidate, and that up to a date specified he could withdraw his candidature. He afterwards heard that his nomination paper had been rejected, and wishing to explain to those ratepayers who put him in nomination why he did not go to the poll, he applied to the town clerk and to Mr. Crosthwaite, the chairman, both verbally and in writing, to be allowed to see any objection put in to his nomination paper, but this was refused. The written objection was not produced to us.

No. 3227. It appeared that at first there were not any objections to any of the nomination papers, and it was stated that Mr. Crosthwaite, the presiding officer there, himself wrote and signed an objection to Mr. Perrin's nomination paper. The ground of objection was stated to be, that the same individual had signed the nomination paper of each candidate as one of the assentors. Mr. Crosthwaite then as presiding officer ruled in favour of his own objection, rejected Mr. Perrin's nomination paper as irregular, and declared himself and Mr. Donovan duly elected. There was no evidence, at any time, to show which nomination paper had been first or last signed by the assessor in question.

We have every reason to believe that great advantages are likely to ensue to the

ratepayers of Kingstown from the holding of this Inquiry, and the matters brought to light at it, which will appear from the statements of Mr. Myles Kelly and Mr. Reilly, two of the Commissioners, set forth at questions 3040 and 3041, and that of Mr. Barrett, the Chairman of the Commissioners, set out at question 3043.

After holding our inquiry at Kingstown, we received a letter from the town clerk requesting us to append hereto a report made to the Town Commissioners, on the 23rd day of May, 1877, by Mr. Doyle, the town surveyor, with reference to the state of the sewerage works, and we have accordingly done so. (See Appendix No. 1, page 113.)

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Ex. 3040-41-
42.

Appendix
No. 1.

E. B. LAWLESS. (Seal.)

WM. A. EXHAM. (Seal.)

7th July, 1877.

H. A. ROBINSON,
Acting as Secretary.

DALKEY.

DALKEY.

DALKEY adopted the lighting provisions of the Town Improvement Act of 1854, on the 26th August, 1863, but not any other. The number of the Commissioners has always been twelve. In 1867 they obtained an Act (the 30 & 31 Vic., c. 134) by which the Commissioners were incorporated, and powers were given to them to appoint officers, and to make rates, borrow money, and levy tolls.

The municipal area comprises 372 acres, and the valuation of the rateable property of the township for last year amounted to the sum of £12,584, which was an increase of £287 5s. from that of the previous year.

The population increased from 2,084 in 1871 to 3,167, according to a census taken by the town clerk, on the 31st August, 1875.

The only property possessed by the Commissioners is a bathing place in the township, the fee of which they purchased on the 18th March, 1870, for a sum of £350, which was paid for out of the rates, and is rent free, and they are also lessees of the town hall for a term of 150 years, at a rent of £15 a year, and for which they also paid out of the rates a fine of £150. There is a garden attached to the town hall, which the Commissioners let at a rent of £6 a year, but they do not derive any revenue from the bathing place.

The other income of the Commissioners is derived from rates, the dog tax, interest on Government stock derived from the sinking fund account, and a few small miscellaneous items, the whole of which amounted for their financial year ending 31st December, 1876, to the sum of £2,060 16s. 1d. For particulars of all this income see account of receipts for year ending 31st December, 1876, Appendix No. 2, page 123.

The expenditure during the same year amounted to the sum of £2,638 10s. 7d. For particulars thereof see Appendix No. 2, page 123.

The amount of uncollected rates at the end of the last year was £682 4s. 8d., while the debt due to the bank at the same period was £567 14s. 8d., so that even supposing the whole of that rate to be collected the Commissioners had available only a little over £100 to pay the debts which they owe for lighting the town, and other matters besides current expenses.

The debt for lighting the town amounts to a large sum, as the last payment for lighting appears in the account for the year ending December, 1875, when they took credit for a sum of £124 2s. 6d. as a payment to the Alliance Gas Company for gas to 31st December, 1873, and three years gas must be due up to the 31st December last. They also owe a large sum to the Dublin Corporation for the water supply, as they paid in the year ending 31st December, 1875, a sum of £240 7s. 6d. for water up to the 31st December, 1873, since which they paid on the 16th August, 1876, a sum of £179 2s. 6d. which is the only sum paid on that account for the three years ending last December.

The Commissioners struck and levied the following rates on the 24th May, 1876:—
A township rate of 1s. 5d., under the 42nd section of the Dalkey Township Act of 1867;
a sinking rate of 1s. 2d., under the 51st section of the same Act; a 5d. water rate, under the 43rd section of same Act, and a 6d. sewer rate, under the Sanitary Act of 1874, and having regard to the state of their finances, there does not appear to be any chance of their being able to strike lower rates.

The Commissioners have power under the 47th section of the Act, to borrow a sum of £4,000 on each of the rates, that is to say—the township rate, the piers rate, and the water rate; but the amount of the entire sum to be borrowed is not to exceed £10,000. They have exercised this power to the extent of £7,500, by borrowing sums of £2,500 on the security of each of those rates. The first £2,500 was borrowed in March, 1869, from the Hibernian Bank, at five per cent. interest on the security of the township rate, and they have set apart an annual sinking fund as provided by the Act towards its repayment, which now amounts to the sum of £416 13s. 4d. Government now three per cent. stock. In May, 1867, they also borrowed from the same bank £2,500 on the security of the piers and harbour rate at the same interest, and the sinking fund on that loan has been also duly invested in the purchase of stock, now amounting to the sum of £413 13s. 4d. Under the 44th section of the private Act, they were empowered to strike a rate not to exceed 1s. in the pound, for the purpose of making piers and landings within the township, according to the plans and sections lodged pursuant to the standing orders of the Houses of Parliament. They have never struck any such rate, because, as the town clerk said, it would be illegal to do so, as they had not constructed the specified works, yet they have borrowed the money and must have paid the interest on it up to the present out of other funds not legally applicable thereto. The particulars, however, cannot be ascertained as no separate account of the different rates is kept, and the payments are made indiscriminately out of the general funds. The town clerk, however, stated that separate accounts were to be kept for the future, as the auditor had required them to do so. If this he done, it is difficult to see how the interest on this loan is to be paid, if the Commissioners cannot levy a rate to meet it. What was done with the principal of the loan cannot be ascertained further than that the town clerk stated it was spent on making the Coolemore harbour, on which no sum has been expended for several years until last year, when £16 5s. was expended in building a boat-ship. It appears that all the books of the Commissioners containing the accounts of their receipt and expenditure on account of loans and income during the years 1868, 1869, and 1870, have been long since lost, and we understood him to assign this as a reason for his not being able to give any detailed account of the expenditure of this loan.

Evidence 100-101. The third sum of £2,500 was borrowed on the 9th January, 1871, from Mr. John Fleming, at 5½ per cent., to be reduced to 5 per cent. in case the interest was paid regularly within a fixed time. This has not been done, and consequently the full interest has been paid. A sinking fund has been also set apart to pay off this loan, which now amounts to £333 6s. Government now 3 per cent. stock.

Evidence 102-103. The Commissioners do not capitalize the dividends received out of these sinking fund sums of stock, but receive them as they become due, and apply them as a part of their general income. The Commissioners still owe about £800 to the contractors for laying the water maine, but they have obtained powers to borrow this sum to pay off the debt.

Evidence 104-105. The Commissioners some time since incurred a debt of £500 in opposing in Parliament a Bill promoted by the Kingstown Town Commissioners as private individuals, for the purpose of bringing the sewage of Kingstown into Dalkey and discharging it there. This Bill was defeated, and the costs of the opposition have been nearly paid in full by the Commissioners out of the rates.

Evidence 106. The Commissioners have lately appointed a town surveyor at a salary of £25 a year, whose duty it will be to inspect the township once a week, attend the meetings of the Commissioners, and report to them on the state of the township. It is to be hoped that this action on their part will result in having more attention paid to the scavenging and care of the roads.

Evidence 107-108. Our attention was called to the conduct of the Commissioners in not enforcing from the late collector of the rates and his sureties the amount of his defalcations, which amounted to the sum of £158 18s. 1d. The particulars as to this matter will appear in Mr. Finlay's report of the 23rd February, 1877, which we set out in the Appendix, No. 2, p. 125. There appears also to be a sum of £231 11s. 6d. for uncollected arrears due on the account for the year 1875, but whether the collector actually received that sum has not been ascertained up to the present. The Commissioners are now trying to ascertain the fact, having put the collection of these arrears into the hands of the town clerk. Mr. Burke called attention to the action of some of the Commissioners when he as chairman brought the conduct of this defaulting collector before the Board, and stated that if his advice had been then adopted this collector could not have acted as he did. Mr. Burke wished to give his opinion as to an alteration in the law as regards the election of Town Commissioners for Dalkey, but we declined to hear any such evidence.

The sanitary condition of Dalkey does not appear to be sufficiently attended to.

Under the 3rd section of the Public Health Act of 1874, the Commissioners are the ^{DALKEY}
urban sanitary authority, notwithstanding that the population is under 6,000. The
town clerk acts as sub-sanitary and executive sanitary officer, at a salary of £15 a year,
but no salary is paid by the Commissioners to the sanitary officer. He is, however,
also their consulting sanitary officer, for which they have arranged to pay him at a rate
of 10s. for each time he attends the meeting of the Commissioners. Complaints appear
to have been made with respect to the sanitary officer, Dr. Mayne, in not reporting
nuisances; and resolutions were passed in relation thereto, which will be found at ques-
tions 182 and 185. By the latter resolution he was required to inspect and report on
alleged nuisances within twenty-four hours. This he refused to do, alleging that he was
only bound to do so "as soon as may be." The Commissioners then applied to the Local
Government Board on the matter, but they declined to interfere. At the time the
former resolution was passed, sickness was prevailing in the part of the township in
which the executive sanitary officer had served notices of their existence on the sanitary
officer, which were not reported on by him, in consequence of which the nuisances
continued for some, as the sub-sanitary officer could not act. Here, as in many other
places, no book appears to be kept of the reports made with respect to nuisances, the
order of the Commissioners made thereon, or any record to show whether they have been
abated or not. There is not any hospital within the township, nor is any disinfecting appa-
ratus provided, although there were several cases of scarlatina reported, and orders were
made for the disinfecting of the houses in which they occurred. Mr. Burke, who had
been chairman of Town Commissioners for years, however, stated that as chairman of
the dispensary committee, he was able to state that there was not any contagious
disease in the township district in March last. The sewerage is insufficient and defec-
tive, there not being any system, and in many cases the sewers are placed at too high
a level to drain the adjoining houses, in consequence of which many houses are provided
with cesspools, the overflow from some of which flows over the public roads. The
Commissioners have expended in sewerage works, since the year 1870, a sum of only
£47 14s. 3d., while they have paid within the same period a sum of £190 to an engineer
for plans and specifications for a system of main drainage; and they intend to borrow
and expend £4,000 on those works. The Commissioners have the management of all
the roads in the township under the 11th section of their private Act, but the condition
of the roads and the scavenging of the town is certainly not properly attended to. Their
whole staff consists of only three men, and horses are provided on Saturdays for carts
owned by the Commissioners to remove the sweepings of the streets collected during the
week; and one district was admitted not to have been cleaned for two months. They
neglect entirely to scavenge Vice-road on the ground that it is a private road, although
it is within the township, and the houses on it pay all the rates, and the Commissioners
have themselves laid gas and water mains along the entire road. Close to this road
there is a bathing place, for the site of which, as before stated, £350 was paid. The
sum of £13 13s. 6d. was spent on the site in 1870, but nothing more has been since spent
there. The bathing place was in fact destroyed by the sea years ago, and was described
as being now a public nuisance, from the manner in which men exposed themselves when
bathing there in the sight of ladies and others walking on the road, but the Com-
missioners have not taken any steps to abate it, although they inspected it in a body some
time since, and were satisfied, from such inspection, that what they saw going on there
should be prevented.

E. B. LAWLESS. (Seal.)

WM. A. EXHAM. (Seal.)

7th July, 1877.

H. A. ROBINSON,
Acting as Secretary.

MINUTES OF EVIDENCE.

KINGSTOWN.—APRIL 3, 1877.

EXCEVERE,
April 3, 1877.

(Before Mr. Commissioner LAWLESS, Q.C., and Mr. Commissioner EXHAM, Q.C.)

MR. ROBERT JAMES ENNIS examined.

Mr. Robert
James Ennis.

1. Mr. LAWLESS.—Are you the town clerk of the township of Kingstown?—Yes.
2. How long have you been town clerk?—Since November, 1866.
3. Under what Act of Parliament are the Kingstown Commissioners appointed?—The principal Act is the 17th and 18th Vic., cap. 163; the Town Improvement (Ireland) Act, 1854.
4. When was that Act adopted in Kingstown?—In March, 1866; the year after it was passed.—The next Act is the Kingstown Improvement Act, 1861. (34 & 35 Vic., c. 118.)
5. By that Act, were the powers of the Grand Jury over the roads and bridges in the township transferred to the Kingstown Town Commissioners?—Yes; the Town Improvement Act was adopted in its entirety.
6. Under the Kingstown Improvement Act, 1861 did the Kingstown Town Commissioners acquire power to make rates?—Yes; a road rate not to exceed £6 in the pound, except under certain conditions; by calling a public meeting of the ratepayers and getting their consent the rates could be increased by £1.
7. It was not to exceed £6 in the pound in any case?—Just so; we have never yet exceeded £6.
8. I believe that by that Act the Commissioners were empowered to make a rate for the purpose of paying the expenses of obtaining the Act?—Yes.
9. And also to pay a portion of the salaries and county charges?—Yes.
10. And then for the repairs and maintenance of the roads and bridges in the township?—Yes.
11. And there was special power given them to give compensation to the late bailoral collector and the late secretary?—Yes.
12. And provision was also made by that Act by which the amount of contribution to county charges could be ascertained by the warrant of the finance committee of the County Dublin Grand Jury?—Yes.
13. What was the next Act?—The Township of Kingstown Improvement Act, 1869 (33 and 34 Vic., c. 133).
14. Were the Town Commissioners incorporated under that Act?—They were.
15. Was the town of Kingstown divided into wards?—Previous to the passing of the Act of 1869, it had been divided into two wards, but by the Act of 1869 it was divided into four wards.
16. What are the names of those four wards?—No. 1, Glasheen Ward; No. 2, Kingstown East Ward; No. 3, Kingstown West Ward; and No. 4, Monkstown Ward.
17. What is the number of Town Commissioners altogether?—Previous to the Act of 1859 the number was eighteen. The Act of 1859 increased the number to twenty-one, at which it still continues.
18. How are those Commissioners returned by the different wards? How many are returned by Glasheen ward?—The first three wards return six each, and the fourth ward returns three. That is, Glasheen six; Kingstown East six; Kingstown West six; and Monkstown three.
19. What is the qualification of electors by the Act of 1869?—The holding of premises rated at £1 and upwards, the same as under the Act of 1854—it was not changed since that Act of 1854; or being the immediate lessor of premises rated at £1 and upwards.
20. What is the qualification of a Commissioner?—Under the Act of 1854 the qualification was fixed at £12 as a rated occupier, or £30 as immediate lessor; but by the Act of 1869 it was changed to £22 as a rated occupier, or £50 as immediate lessor.
21. Were there provisions in that Act binding the Corporation of Dublin to supply Kingstown with water?—There were provisions to that effect.
22. What payment was to be made by the Kingstown Commissioners for that supply?—£5 in the pound on the valuation of the township; levied under the 60th section of the Act of 1854.
23. Did the Kingstown Commissioners acquire power under that Act to borrow money on the security of the rate?—They did; to the extent of £16,000, at interest not exceeding five per cent., and they were bound to provide a sinking fund of one-forth part, so that the entire sum should be paid off in forty years from the date of borrowing. This was to be provided for by a sinking fund rate; but that was to be part of the rate I have mentioned, and not an additional rate.
24. Did the Township of Kingstown ever adopt the Local Government Act of 1871?—Yes; that Act was adopted in the year 1873, at a public meeting; the Gazette notice will show it. We have no minutes of that meeting in the book of the Town Commissioners.
25. Is there not another Act—the 37 and 38 Vic., chap. 167?—Yes; the Kingstown Township Extension Act.
26. When was that Act passed?—In 1874. It gave the Commissioners additional borrowing power to the extent of £8,000. It was an Act to extend the limits of the municipal jurisdiction. The municipal limits were enlarged, and the extended limits were brought under the operation of the Act of 1861, so as to exclude the control of the Grand Jury.
27. I see that by the 25th section of that Act of 1874, there was special provision made that the sum of £250 should be paid for the costs of obtaining the Act, and the costs of the opposition to it. (Reads section.) Why was that provision inserted?—The Town Commissioners knew that it was legal to oppose the passing of that Act.
28. Who promoted the Act?—Orvisiders; not members of the board. In fact the residents of the new extended district promoted this bill, in order to become part of the township of Kingstown, and they naturally had in the usual costs clause in the bill. The Town Commissioners objected to the bill, and to that clause amongst other things.
29. Did the Commissioners petition against the bill?—Yes; to secure a lesser sum, and they got the percentage of the bill to pay the greater portion of the costs, they merely counteracting the sum of £250 towards its carriage. It did not go before a committee, it passed as an unopposed measure ultimately.
30. I find that the most material provision of the Provisional Order dated 1874, and confirmed by the Act of Parliament, is that which gives power to the Commissioners to borrow an additional sum of £10,000?—Yes; for internal drainage.
31. So that the borrowing power of the Commissioners under the Acts you have mentioned, enabled them to borrow £28,000?—Yes.
32. Do the Corporation of Dublin exercise or claim to exercise any power of control over the township of Kingstown?—No; except that they retain the power to deliver water to any district outside the township of Kingstown that can be supplied by the

Kingsdown,
April 6, 1871.
Mr. Robert
James Keane.

pipes of the township; they use the water mains of the Commissioners within the township to deliver water to parts outside the township.

33. Do the Grand Jury of the county Dublin exercise or claim to exercise any power or control within the township of Kingstown?—No.

34. Can you tell me what is the area of the Kingstown township at present—as extended by the last Act?—It was 910 acres; and it has been extended to 1,450 acres.

35. Can you give me the population?—The population in 1871 of the extended township was 17,500; in the year 1861, so far as I can make out from some blue books in my possession, the population was about 8,000; in 1851 it was up to 10,000; in 1861 to 14,000, and in 1871 to 17,500.

36. Can you give me the valuation of the extended township?—At present the gross valuation in round numbers is £12,000; in the year 1870, the valuation in round numbers, was something under £60,000; in 1860 it was £44,800, and in 1861 £39,000. The valuation of the recently added area was about £3,500.

37. Do the Kingstown Commissioners possess any property of any kind?—No.

38. Does this house or premises in which we are sitting belong to them?—No; they only rent it.

39. For what term?—Three years.

40. What yearly rent do they pay for it?—£53 a year; we also rent the market-yard where the goods are weighed and tolls charged on the weighing.

41. What rent is paid for the market-yard?—£10 a year; the market-yard is also used as a store.

42. Do you receive any income from that market-yard?—Yes; we receive 28s. for one stall, and we also receive the tolls which of course vary. We also get 2s. a week for another place, and 26s. a year for a small office.

43. What are the tolls?—Very trifling indeed; they are charges for weighing hay and straw, which is afterwards sold to persons in the township.

44. Under what authority do the Commissioners levy those tolls?—Under the general provisions of the Act of 1854.

45. Are those tolls which you have mentioned, the only receipts of that nature received by the Commissioners? Do they receive any others?—No.

46. Can you give me the number of voters in each ward?—I can furnish it.

47. Mr. EXHAM.—What is the valuation of the wards?—Manystown Ward is £13,500; Kingstown East is £21,658 10s.; Kingstown West is £10,376 5s.; Glasnevin is £15,182; gun metal, £827; water mains, £513.

48. Mr. LAWLESS.—What officers are employed by the Kingstown Commissioners?—There is myself, town clerk.

49. You may mention the salary paid to each at the same time?—Very well; my salary is £300 a year as ordinary salary, and £50 a year additional as executive sanitary officer; the next officer is the town surveyor, who has a salary of £350 a year; and then the collector, who is paid a per centage fee of £d. Then there is the nuisance inspector, £52 a year; consulting sanitary officer, £50 a year; and sub-sanitary officer, Duty, £29 12s. 6d. The nuisance inspector already mentioned is also sub-sanitary officer at £5 10s. a year, in addition to the salary above stated. There is also a market clerk, who is also store-keeper, at a salary of £45 a year; and a water inspector at £75 a year.

50. Are those all the officers employed by the Town Commissioners?—Yes.

51. You mentioned a consulting sanitary officer. Is there not a sanitary officer?—There are two medical sanitary officers for the district, but they are both paid by the Board of Guardians.

52. Do they make their reports to the Town Commissioners?—Yes. In the case of all the sanitary offices, except the nuisance inspector, the Treasury pays one half of the salaries.

53. Besides those already mentioned, do the Town Commissioners employ any other staff?—Yes; there is a foreman, messenger, carters, scavengers, lamp-lighters, house-keepers, and messengers.

54. Mr. EXHAM.—You say you have no separate sanitary officers of your own—can you say what proportion of their salaries is paid by the Board of Guardians. Is it shown on the return districts?—The dispensary officers were appointed by the Local Government Board under sealed order, as medical sanitary officers, for which they get £30 a year additional. It is the same way in every town in Ireland that I know of.

55. Of course the Town Commissioners here are the urban sanitary authority?—Yes, they are.

56. Mr. LAWLESS.—Do the Kingstown Town Commissioners light the town?—Yes.

57. Who supplies the gas?—The Alliance Gas Company of Dublin, they have special works in Kingstown.

58. What is the rate at which the company charge for the gas?—Until the year 1874 we paid them 43 ½ per lamp per annum, the plant being our own—the lamps belonging to the Commissioners; under an agreement made in 1874 we pay them the same rate per thousand cubic feet as the general public pay, only deducting twelve and a half per cent. The present charge is £s. per 1,000 cubic feet, less than twelve and a half per cent. Five per cent of the twelve and a half per cent, being an allowance for all the plant—lamps posts, &c., that belong to the Commissioners.

59. Is that contract made for one year?—It was made for three years only; it will expire this year; it was made in the year 1874.

60. Have you got the agreement?—I have it in the office.

61. By whom are the lamps kept in repair?—By the Town Commissioners.

62. By whom are any additional lamps required supplied?—By the Town Commissioners; we have everything to do with the maintenance and repairing of the plant.

63. You already mentioned that the town is supplied with water by the Corporation of Dublin, under the provision of one of your Acts of Parliament?—Yes.

64. Mr. EXHAM.—When did they first begin to supply it?—In the year 1870.

65. Mr. LAWLESS.—By whom are the roads and streets in Kingstown kept?—By the Town Commissioners, except the Harbour road, which is kept by the Harbour Commissioners.

66. Do the Grand Jury of the county Dublin do any part of that work in the town?—They do nothing at all in the town.

67. By whom is the paving of the town done?—By the Commissioners.

68. What rates do the Commissioners now levy?—The last rate made was struck on Monday last, the 2nd April; it was the largest rate we have yet levied, and is as follows:—An improvement rate, under the 60th section of the Act of 1854, of 1s. 6d. in the pound; a road rate, under the Kingstown Improvement Act, 1861, of 1s. 6d. in the pound; a sewer rate, under the Public Health Act, to repay principal and interest of the £10,000 already referred to of 2d. in the pound. These make a total levy of 3s. 1d. in the pound. The highest rate previously made was 2s. 11d.

69. What does the improvement rate of 1s. 5d. in the pound produce?—I estimate that it will produce £4,500.

70. How much will the road rate produce?—£4,800.

71. And the sewer rate?—It will produce over £540.

72. Can you give me the exact amount it will produce?—Not within a few pounds.

73. At what time of the year are those rates struck?—The time varies between the months of March, April, and May. We struck the rates this year on the 2nd April.

74. At what time does your financial year end?—With the natural year—the 31st December.

75. By whom are these rates collected?—By the rate collector appointed for that purpose by the Board.

76. How is he paid?—By a per diem of 5d.
77. Does the collector give any security?—He gives security to the extent of £500.
78. In what way?—Formerly he gave it in the shape of a bond—by himself and two others; now the existing security is that given by means of a fidelity policy of the Guarantee Society.
79. Is there not any bond at all?—No.
80. Does he give his own bond?—No; the Guarantee Society guarantees the Commissioners to the extent of £500.
81. Have the Town Commissioners a treasurer?—No.
82. Where do they keep their banking account?—In the National bank, which has a branch at Kingstown.
83. Practically the bank is the treasurer?—Yes.
84. Are there any rules or regulations by which the rate collector is obliged to lodge his receipts at any particular intervals of time?—Yes; he lodges weekly.
85. Is he obliged to do so by a rule of the Commissioners?—Yes; by a rule of the Board.
86. Does he as a matter of fact comply with that regulation?—He makes weekly returns, and lodges his receipts weekly.
87. To whom does he make the returns?—To the Commissioners; I check the return every week.
88. Are the book-keep and the returns submitted to the Commissioners weekly, how often do the Commissioners meet?—The finance committee is called together weekly.
89. Is the collector's return, as checked by you, and the bank-book submitted to the finance committee?—Yes; they are placed on the table before the finance committee.
90. Is it generally examined by the committee?—It is, frequently.
91. Will you tell me how payments are made?—By cheque only.
92. Do you happen to have the bank pass-book here?—Yes. (Book book produced.)
93. When you are about to make a payment in the matter brought before the finance committee?—The abstract-book is filled, showing the names of the parties to whom payments are to be made, the nature of the account, and the amount, and placed before the chairman. When the account has been examined by the finance committee, and reason shown that it should be paid, a cheque for the amount is filled up by me, which is signed by the chairman, two of the members of the committee, and by me as town clerk, and then handed to the party in whose favour it is drawn.
94. Is there any particular form of lodgment-book?—No, only the sheet produced on the bank form. At each meeting of the finance committee I have the pass-book filled up. The lodgment is made weekly, and I send down the bank-book weekly, and have the amount entered in it.
95. I see some very small sums entered as lodgments in the bank-book—here is one item of 5d.—You will see some as low as 1d.
96. Are these small sums lodged by the rate collector?—No, they are miscellaneous receipts.
97. Mr. EXHUM.—How is it that you do not keep separate accounts at the bank? Do you not keep a separate account for the improvement rate?—No; they are all lodged together.
98. But you have no right to apply any portion of the improvement rate to the payment of the road rate?—A great many sums on the estimates must be divided between both of the rates. I could not, for instance, draw a cheque against the improvement rate for a portion of my salary, and against the road rate for the rest of it. We find it answer best to have these two rates laid together, but we take care when making the estimates to keep them distinct and separate.
99. Mr. LAWLESS.—I find in this balance-sheet for the twelve months ending the 31st December, 1876, that you represent £55 3s. 2d. as arrears outstanding?—No, we have no arrears outstanding for 1876.
100. Then you have struck off £55 3s. 2d. I—Yes, as irrecoverable.
101. By whom are these irrecoverable rates estimated and struck off?—The collector has to make out his returns; he shows all the collections; he is debarred at the commencement of the year with the full amount of his warrant, and has to account for that amount. At the end of the year he gives to the names of such persons from whence he cannot recover the rates, and the Commissioners go into his returns, and if they are satisfied that they could not be recovered they strike off the amount as irrecoverable. If not, they call on the collector to give an explanation.
102. Mr. EXHUM.—I see that Mr. Finlay, in his report, calls attention to a small matter of £1 1s. 4d. I—Yes.
103. Mr. LAWLESS.—Does the collector make a return of the rates he has not recovered, and is it then decided whether or not they are to be considered as irrecoverable?—Yes.
104. By what committee or by whom is that duty done?—It is the finance committee does it; but they have to submit their decision to the full meeting of the Board.
105. Mr. EXHUM.—Mr. Finlay, in his last report calls attention to a declaration which turned out to be untrue, and the Commissioners had the names of knowing that it was untrue to say that the premises were not occupied. It appears that the collector allowed that untrue statement to be noted upon it—I previously gave an explanation as regards that. As a matter of fact, the premises were unoccupied though the rate was paid.
106. It is very curious that you should be able to state that now when the explanation was not given to Mr. Finlay. Mr. Finlay says in his report—
- "It was objected to at the meeting that on a former occasion the sum of £1 1s. 4d., excess of rate on a stable, the property of a member of the Board, and which was left to another member to enable him to complete his qualification for the office of Commissioner, and the stable stable it was several days rated, was declared irrecoverable by the Commissioners on account of a declaration of non-occupancy in the usual form. On inquiry into the matter, it was quite apparent that the rate which had been collected, and on my expressing an opinion to that effect the amount was at once paid by the rated occupier. It was alleged that the declaration was made by the owner through mistake."
- You say now that it was not a mistake. You say the declaration was true. Have you got the minutes of the meeting of the finance committee relating to this matter?
- Mr. BARRETT (Chairman of the Town Commissioners).—We have no other way of knowing what rates are irrecoverable except by receiving declarations; nor has the rate collector any other way of knowing.
- Witness.—I'll produce the list of exemptions for that year, and here is a rough draft of the explanation I gave.
107. According to Mr. Finlay there must have been two members of the board ignorant of the fact?—Of the finance committee.
108. Of the board he calls it. How many members are there on the finance committee?—Three, generally.
109. If that be so then two out of the three must have known about it. This is not a question of £1 1s. 4d. It is a question of principle.
110. Mr. LAWLESS.—I find here from the minute book that the secretary was ordered to examine into the exemptions and to report to the finance committee, and on the 9th December, there is the following:—“The secretary reported that he had examined the collector's list of exemptions and found the same correct; the committee accordingly adopted the statement.”
111. Who was the secretary?—I was.
112. Do you act as secretary to all the committees?—Yes.
113. Have you got the declaration?—Yes.
114. I think it would be well to produce those documents. (List of exemptions produced.)
115. Mr. EXHUM.—Until Mr. Finlay brought this matter to light was anything heard of it?—No.

Kingsdown
April 5, 1877.
Mr. Robert
James Justice.

KINSEY,
April 5, 1878.
Mr. Robert
James Finch.

116. MR. LAWLESS.—Who makes those declarations?—The parties who claim to be exempted from the payment of the rates.

117. MR. ERHAM.—Do they make declarations unless they are specially required to do so?—The collector must make a declaration for every case in which he does not produce the money in payment of the rates.

118. MR. LAWLESS.—What is the collector's name?—John Redmond.

119. MR. ERHAM.—The valuation of the stable was £8, and the amount allowed was £1 1s. 4d., rates for twelve months. The declaration of the owner was as follows:—

"I John Crosthwaite do solemnly and sincerely declare that the premises herein described have been empty, unoccupied, unheated and unoccupied, save by a caretaker, from 1st January, 1873, to 14th December, 1873."

This declaration appears to have been made on the 30th November, 1875, before Mr. Barrett. The curious part of the matter is that the gentleman made a declaration on the 30th November, 1875, that the premises were unoccupied on the 14th December, 1873. If it is the case that a gentleman who is a member of the board, and who is the owner of a stable lots that stable to a gentleman whose qualification as a Commissioner would be otherwise insufficient, and if the first gentleman makes a declaration of non-occupancy, and if the Act of Parliament attaches a penalty to a false declaration, would not the best way of testing the matter be to prosecute the person who made the declaration?—Perhaps I had better read the explanation.

120. Is that an explanation by Mr. Crosthwaite, who made the declaration?—It is an explanation given by me so far as I know of the matter.

121. I should like to hear an explanation given by the person who made the declaration, it being Mr. Finlay's expressed view that so far from its being unusual, it was left to another Town Commissioner to enable him to complete his qualification as a Town Commissioner!—There is a further paragraph in the report which also requires explanation.

122. MR. LAWLESS.—First tell me has the £1 1s. 4d. been paid in?—It was lodged at the request of the position. I will just read you my explanation:—

"A small house built a good many years ago."

123. Where is the house situated?—In Crosthwaite park. (Continues reading)—

"But never having been occupied, there was no annual declaration made under the 6th section of the Town Improvement Act, 1865, and the rate was accordingly written off. It appears that a gentleman about to be a candidate for the office of Commissioner would not have been able to retain his seat at the board owing to the previous to his application being valued at only £20, the minimum qualification being £35, and to remedy this he agreed with the owner of the house above mentioned to become his tenant for the said house, thus securing his qualification."

124. MR. ERHAM.—Can you give me the date of this gentleman's becoming a candidate for the office of Commissioner?—I think it must be about three years ago. (Resumes reading explanation)—

"As a matter of fact it would appear that annual occupancies to any property took place—and the rates at the end of the year (which is the property of a great number of houses, and every year makes several deductions of unoccupied houses), notwithstanding, or most probably forgetting the circumstances of the case, made (as he had each year previously been in the habit of doing), a deduction along with other estates excepting the house from liability to the payment of the rates."

125. I wish you to stop there. The intended Town Commissioner wanted £5 added to his rating in order to make up his qualification for a Town Commissioner. What rent was he required to pay for this place?—I cannot tell you that.

126. Was the rent ever paid, and what was the amount of it, and who was the caretaker referred to? There must have been two arrangements pertaining to a master of this kind, and I should like to know who was the caretaker?—I should finish the paragraph. I was reading. (Reads)—

"The Commissioner who had become tenant knew nothing of the matter and never was applied to for the rates, but when the case

was brought up before the auditor the amount was all over handed to him by this Commissioner."

127. Can you tell me is it a fact that on two previous occasions Mr. Crosthwaite made a similar declaration?—There was an exemption made for him on several occasions.

128. Did these particular premises, at the time they were exempted from rates as unoccupied and unheated, constitute portion of the qualification of the intended Town Commissioner?—No, not for the entire time.

129. Was it done in 1874?—I do not think the gentleman was a Commissioner in 1874.

130. How long was this qualification made use of?—I cannot tell you.

131. Was it for 1875?—It was for 1875.

132. Was it for 1876 also?—I think so.

133. Did he continue a Commissioner on the same qualification, and if so, was there a declaration of non-occupancy in 1876?—The rate was paid in 1876. There was a question brought before the auditor about it in 1876, but nothing was done, and in 1876 all the rates were paid.

134. When the matter was found out in the early part of 1877, Mr. Crosthwaite paid the rates?—No, the other gentleman.

135. Well, then, the rated occupier?—Very well.

136. And now I must ask you what is the name of the occupier?—Mr. Lagan is the gentleman.

137. MR. LAWLESS.—I see that Mr. Finlay, in his report, says—

"If the facts known to the Commissioners be at variance with the declaration, they ought not to be influenced by the latter?"

I deal with that in my explanation. (Again reads)—

"I do not know as what grounds the auditor makes the following statement, except that seems one of the Commissioners may have expressed an opinion on the subject, namely—"The Commissioners appear to be under a misapprehension as to the effect and force of a declaration of non-occupancy; they seem to think that they are bound to accept it as sufficient evidence that a payment was suspended although they might have the evidence of payment sent in the contrary." There is no such practice of the board, either in respect of single, and I am sure it is quite different. The collector, if he was previously aware of any deduction going being at variance with the truth, would not notice it, and if he were trying, when collecting the collector's account, at all say of the Commissioners at the several meetings, when such amounts are deducted by them, were personally aware of anything entered in any of these papers, let us say it would, of course, require the collector to explain, and if the explanation were not satisfactory the Commissioners would not hesitate to have the auditor act right."

138. I find here that on the 30th November, 1875, the gentleman who made this declaration was elected chairman, and he also signs the minutes of the meeting on the 18th December, 1875.

139. MR. ERHAM.—May I ask you was it not known very well how this gentleman made up his qualification?—No; it was not necessarily known to the members of the finance committee.

140. It must have been known to two of them, Mr. Crosthwaite and Mr. Lagan?—I was not supposed to know anything about it.

141. But how was the rating of £25 made up? Was it not by the additional rating given him in respect of another place?—The Commissioners cannot go into that. If a gentleman is elected a member of the board and comes in and makes the required declaration to the effect that he is a rated occupier to the extent of £25 and upwards, the master cannot be imposed upon by the Commissioners at all. It is open to any person to take what steps he may think fit, but the Commissioners, as a body, cannot inquire into it.

142. Has the rate collector been supposed to collect rates upon a valuation of £25 from that gentleman?—No; the collector is not supposed to go into any man and say, "You must pay rates on the full amount of your qualification as a Town Commissioner." I wish to remind you that the auditor labours under a mistake about the mode of receiving declarations by the Town Commissioners.

143. How does it appear he is mistaken?—He says it appears to be the practice—

144. What he says is this, "They seem to think that they are bound to accept it as conclusive evidence that the tenement is unoccupied although they might have the assistance of their own senses to the contrary." Now I take the meaning of that to be, that Mr. Crosthwaite, who was chairman, must have had the evidence of his senses to show him that this

was a sham transaction, and there must have been another member of the board who was also aware of it—so there were two. Mr. Crosthwaite must have known every day he sat at the board that there was a gentleman sitting there as a member who was not qualified (and of course the other gentleman must have been aware of it himself) if the declaration was true in fact.

Evidencem.
Appls., etc.
Mr. Robert
James Evans.

Mr. JOHN REEDMORE examined.

Mr. John
Reedmore.

145. MR. KAWELLER.—Are you the rate collector?—Yes.

146. How long have you occupied that office?—I have been collector eleven years.

147. Do you know this particular holding; this property, marked 1575 in your rate book?—Yes; I do.

148. What is the name of the place?—Crosthwaite-park.

149. At what is it rated?—At £3.

150. Do you know whether or not that place is now occupied?—I do not know whether it is or not at this present moment, but I know that it was unoccupied up to the end of the year and for years previous—that is unoccupied so far as I could see; there was no person there, and the door and windows always fastened.

151. What sort of place is it?—A stable.

152. Did the warrant given to you include the rates assessed on those premises?—Yes.

153. Did you ever receive any rate with respect to them?—No; never.

154. To whom did you ever apply for any rate with respect to them?—When I did speak of it, it was to Mr. Crosthwaite, the owner. I had to get from Mr. Crosthwaite a declaration of non-occupancy, made before a magistrate, as it is to be able to produce it before the Commissioners.

155. Did you get that declaration of the non-occupancy of the premises by Mr. Crosthwaite?—Yes; so far as my memory serves me, but I could not say whether it was made by his agent or by himself. The declarations were sometimes made by his agent and sometimes by himself.

156. Did you ever make any application to any other person for the rates on that place?—Yes.

157. To whom?—To Mr. Legan.

158. When did you make that application?—I finished my collection in November; I think it must have been early in November.

159. Why did you make application to Mr. Legan then, and not to Mr. Crosthwaite?—Because I had heard that Mr. Legan had taken the stable from Mr. Crosthwaite. I am employed by the Commissioners every year to make a revision of the rate book. In this town the residents and occupiers change very frequently—a great many people go away, and great numbers of strangers come here, and the Commissioners pay me for making the revision of the books, and so for that reason I have to inquire at every house and find out who the occupiers are. One purpose of this revision is to enable the rates to be collected, and another is to see who is entitled to have the franchise.

160. Did you make any special examination of these premises in the year 1875?—No; nothing more than my observation, when passing repeatedly. I always saw the door shut, and the grass growing about the place.

161. Was Mr. Legan a member of the body of Town Commissioners in the year 1875?—I think he was, but I won't speak positively.

162. Was he a member in 1874?—I think not. I won't speak positively, for I cannot remember as I take very little interest in such matters.

163. Is Mr. Legan rated for other premises, and do you receive rates from him with respect to these other premises?—Yes.

164. At how much are those other premises rated?—At £30.

165. Are they situated near Crosthwaite-park?—No.

166. And did you, when you found he was connected with those premises in Crosthwaite-park report it to the secretary in order to have it put on the rate-book?—Yes; that was in 1876.

167. When did you first hear of any agreement by which Mr. Legan was to become the tenant of those premises?—Several months ago. I really could not fix the month.

168. Is this document prepared by you (handing document to witness, headed "Declarations of Commissioners")?—It was made by my dictation. The document is in my son's handwriting; he assists me at home.

169. It appears to have been sent in on the 13th December, 1875, and it gives this holding, No. 1575, as rated at £3, and in the possession of Mr. Crosthwaite?—Yes; that was as I understood it.

170. MR. KAWELLER.—Do you consider it your duty to see whether the gentlemen acting as Town Commissioners are rated at £30?—No, I do not. There is one thing I want to give an explanation about. There is a declaration there concerning this stable, which is dated 30th November, and yet declares the place to be unoccupied on the 14th December of the same year (the master was referred to here). I applied to the Commissioners years ago, and got their permission to do it in that way. They, of course, are anxious that the collections should be completed and all the business done within the current year; that the accounts of 1874, for instance, should not get into 1877. I said that to persuade me to do this I should be allowed to take declarations a month prior to the year. Suppose a house is let at the end of the year (a thing that is not likely to happen in Kingstown, for a great many of the houses are vacant during the winter), but if it did happen, we would have no claim over the house, and I might as well take the declaration at once. Accordingly the Commissioners gave me permission to take declarations of non-occupation from the 1st December, and give exemptions for the whole of the year. That explains it, I think. I may say further, that I fill up the principal portion of these declarations myself, because the great number of persons would not know how to do it, and some would not take the trouble to do it early enough.

171. Do you know how many years ago it is since Mr. Legan was a candidate for the office of Town Commissioner?—No, I do not.

172. I want to know how long this thing has been going on?—I cannot tell.

The Town Clerk.—Here is a resolution passed on the 2nd January, 1875. "Resolved.—That Mr. Patrick Legan be and is hereby elected a Commissioner for Kingstown East ward. Question put and carried unanimously."

KINGSTOWN,
April 2, 1891.
Mr. ERKAM.

Mr. ERKAM re-called.

173. Mr. ERKAM.—I want to know does anyone, when a candidate is proposed, see that he has the necessary qualification. Does the candidate make a declaration?—Yes, that he is rated at £25 and upwards.

174. Can you get Mr. Legan's declaration?—Yes (Declaration produced, which can see following):—

"Declaration to be made by Commissioners. Kingstown Improvement Act, 1851, and the Township of Kingstown Act, 1859.

"I, Patrick Legan, of 10, Queen-place, Kingstown, do solemnly declare that I will faithfully and impartially, and according to the best of my skill and judgment, exercise all the powers and authorities vested in me as a Commissioner of the township of Kingstown by virtue of the above-named acts, and also that I am an occupier of lands, tenements, and hereditaments rated to the relief of the poor in the said township of Kingstown, at the net annual value of £25 sterling, and upwards; that I am of full age, and that I am not an ecclesiastic or any religious person."

—Signed, PATRICK LEGAN.

"/ Taken and verified before me the 20th day of March, 1891.

"John J. COTTERAN, A.M., s.c."

That is the usual form of declaration.

175. Mr. LAWRENCE.—Nothing can justify a man in making a written declaration.

176. Mr. ERKAM.—Who filled in that declaration?—I fill in all these declarations.

177. Mr. LAWRENCE.—By and to whom was the £1,421 £s. 4d. ultimately paid?—I took it from Mr. Legan and gave a receipt for it, and lodged it to the credit of the Commissioners.

178. With respect to the amount of money borrowed by the Town Commissioners under the powers of their Acts, will you tell me the sum borrowed by them, and the security on which they were borrowed?—£16,000 were borrowed in December, 1870.

179. From whom was that sum borrowed?—From the Patriotic Insurance Company.

180. Was that sum borrowed under the powers of the Act of 1869?—Yes.

181. Mr. ERKAM.—At what rate was it borrowed?—We got that at five per cent. repayable by forty instalments, so that the whole sum should be paid off in forty years.

182. Will you tell me how that £16,000 was repaid?—How much in the first place was the cost of that Act? On what security was the money borrowed?—On the security of the improvement rates.

183. First of all it is as well for us to know if you have paid the instalments; you should have paid off £2,400 now?—Yes; that has been paid off.

184. And the debt now stands at £13,600?—Yes; the way the £16,000 has been allocated was:—the costs of the promoters of the Bill were in two separate amounts. Messrs. Anderson and Lee (the Dublin solicitors) costs were £2,787 £s. 10d.; the costs of Mr. R. B. Sharkey, the parliamentary agent for the promotion of the Bill, were £1,856 £s. 11d.; Messrs. Casey and Clay's costs for opposition to the Bill were £1,421 £s. 10d.

185. The total costs were £6,075 £s. 11d.?—Yes. The Commissioners at first disputed their liability to pay to the solicitors employed by them the costs of the opposition to the Bill, but after a notice of action was served upon them they agreed upon a case to be stated under the Common Law Procedure Act; the court was unanimous in saying that the Commissioners had a right to oppose any Bill that affected their rights, and that they were liable to pay the costs out of the rates.

186. Do you say that the Commissioners were not the promoters of this Bill—the Act of 1869?—They were not; it was promoted by parties outside the Commissioners. The promoters of course having got the costs clause in the Act the Commissioners were bound to pay the costs.

187. What do you say was done with regard to the costs of the opposition?—They agreed under the Common Law Procedure Act to have a case stated before the Court of Common Pleas.

188. Did Messrs. Casey and Clay, the solicitors who acted for the Commissioners, bring an action against

the Commissioners?—Well, actions were served of an action.

189. Did Messrs. Casey and Clay act as solicitors for the Kingstown Town Commissioners before the committee?—Yes; they appeared for the Commissioners. This Bill was promoted not by the Commissioners, but by other persons, and the Commissioners opposed it.

190. Did the Commissioners petition to be heard against it?—Yes, and Casey and Clay appeared for the Commissioners.

191. Did they apply for their costs, and did the committee refuse?—Yes; the committee refused to give the costs of the opposition.

192. Then by what authority did the Commissioners pay them this £1,421 £s. 10d.?—As I say, there was a case stated.

193. Have you got that case here?—I have. I should add that neither the solicitor for the promoters of the Bill, nor the solicitors for the Commissioners had anything to do with the solicitorship of this Bill.

194. Mr. LAWRENCE.—Who was the solicitor for the Board at the time?—Mr. John Lakin.

195. You say there was a case stated for the Court of Common Pleas?—Yes.

196. What was done upon that case?—The decision of the court was unanimous that the Commissioners had a right to oppose the Bill. It is settled now in what is called the Sheffield case.

197. Do you say the court decided that the Commissioners were justified in paying Messrs. Casey and Clay's costs out of the rates?—They held that the Commissioners were bound to pay them out of the rates.

198. Did they say out of the money raised on the security of the rates?—They did.

199. Mr. ERKAM.—Are you sure of that?—I am.

200. How was the balance of that £16,000 disposed of?—For the pipe-laying in the township, in connection with the water supply.

201. How much was expended for pipe-laying?—£5,500; the remainder went in payment of the costs of obtaining the loan of £16,000, and the costs of the case stated.

202. Mr. LAWRENCE.—By whom was the pipe-laying for the water supply done?—Was it by your own surveyor?—The water was brought to the reservoir by the Dublin Corporation at no expense of about £16,000. We then commenced under our own contractor—under the superintendence of our own engineer, and laid the pipes all through the township for the distribution of the water.

203. Who was your contractor?—The firm of Messrs. Edmundson and Company, Copel-street. Mr. Simpson, their agent, carried out the work to the township boundary, and Messrs. Edmundson did our portion of it.

204. Had there been any agreement between Messrs. Casey and Clay and the Commissioners as to the costs of the opposition to the Bill?—There was.

205. Have you got that agreement?—It is so long ago now, that I am not sure whether I have it or not.

206. Is it set forth in the special case?—I am not certain. The only agreement was, that Messrs. Casey and Clay gave the then Commissioners an indemnity that if they could not recover the costs out of the rates they would not hold the Commissioners liable. Mr. Lakin, the then solicitor for the Board, refused to carry out the opposition to the bill.

207. Can you tell me the reason why he refused?—Mr. Lakin took the opinion of Mr. John O'Hagan, s.c., as to whether the bill could be opposed out of the rates, and he said it could not. Mr. Lakin then declined to go any further in the matter.

208. Except, I suppose, on the personal responsibility of the Commissioners?—That did not crop up.

209. Mr. ERKAM.—Was that bill of 1869, the bill promoted by third parties, to force the Town Commissioners to bring the water into the town?—That is a varied question.

210. Was that bill first brought forward in the House of Commons or in the Lords?—First in the Commons.

211. After the Commons did the Commissioners go on opposing it in the Lords?—They opposed it in the Lords on clauses.

212. Did they not withdraw every single allegation of their petition before the Lords except one—that about the water?—I know that that was the principal point.

213. Was not that the only point on which they continued the opposition? Did they not withdraw their opposition against everything except the water supply?—They did not withdraw; they only withdrew the provisions about the water supply.

214. Were you not there yourself?—I was a witness there.

215. Did not the counsel for the Town Commissioners say—"We will withdraw every question raised in the case save one—the boundaries"?—No; he did not say that, he said the Commissioners opposed no clause except that of the boundaries.

216. Do you happen to have the Blue Book containing the report of what took place before the Committee both before the Commons and the Lords?—I have.

217. Can you let me see it?—Yes. (Blue Book produced.)

218. Did not the Town Commissioners actually apply for costs, and were they not refused? Was not an application made that you should get costs out of the sum, and did not the committee positively refuse to grant it? Were there not some very strong observations made in the Lords about the waste of the township money?—I have been a witness in a good many bills in Parliament, and I am aware that it is the inevitable rule for parties opposing to apply for costs, but I never knew the committee to give costs.

219. They very frequently do so.

Witness.—The promoters would have given them costs in the Committee, but declined to give costs in the Lords.

220. Mr. LAWRENCE.—I think you mentioned that some portion of the £16,000 has been paid off. How much has been paid?—£2,400 has been paid off; the balance now due is £13,600.

221. What was the next loan procured by the Town Commissioners?—The next loan, according to date, was obtained by the Commissioners in December, 1875.

222. How much was that loan?—£1,100, part of the £3,000, under the Kingstown Extension Act 1874, which was borrowed to pay for the pipe-laying in the township.

223. From whose was that borrowed?—From the Treasury, under the Public Health Act, 1874.

224. At what rate was it borrowed?—At three and a half per cent., for thirty years.

225. On what security is that £1,100 borrowed?—On the security of the improvement rate, the rate levied under the 99th section of the Act of 1854.

226. How was that £1,100 applied?—Solely to pay for the pipe-laying of the extended area; that is, the new district of the township.

227. Was that pipe-laying for the public water supply?—Yes.

228. Has any portion of that £1,100 been paid off?—We have made the yearly payments. That £1,300 is part of the £3,000 that the Commissioners were authorized to borrow by the Extension Act of 1874. There is also a Provisional Order under which the Commissioners were empowered to borrow £10,000, and we allocated £3,000 of that to the Kingstown sewerage, and £2,000 to the Glasthale sewerage. The £10,000 was borrowed from the Treasury on precisely the same terms as the £1,100. On May 20th, 1876, the £2,000 was lodged for the Glasthale district, and on that day work, 27th May, 1876, the £3,000 was lodged to the credit of the Kingstown sewerage district.

229. Can you give us now, the number of rated

households in each ward qualified to vote?—Yes; they are as follows:—

Glasthale ward,	264
Kingstown, east ward,	277
Kingstown, west ward,	293
Monkstown ward,	181
Total,	1,132

Edinburgh,
April 6, 1877.

Mr. EAST.

230. How were these sums of £8,000 and £3,000 applied?—They are at present being applied to the purposes for which they were borrowed—the internal drainage of the township.

231. Upon what security were those sums of £8,000 and £2,000 borrowed?—On the security of the sewerage rate leviable under the Public Health Act, 1874.

232. Has that sewerage rate been levied?—One penny was levied last year, and the rate struck this year to provide for the repayment of the £10,000 was two-pence.

233. How much will that two-pence produce in the year?—£540.

234. I say by this Provisional Order confirmed by the Act of 1875, that the assessable value of the premises within the limits of the township is £55,000?—That would almost apply to the present year, too; because in the Act of 1854, it is stated that lands used for farming and other such purposes shall be valued at only one-fourth—that is the rate shall be levied on only one-fourth, so that I have to give the net valuation to show the result.

235. Mr. McEVOY.—About £53,000 is the net value at present.

236. Witness.—It was reduced by the valuation of the name of the Gas Company being reduced by nearly £200.

237. You say that £10,000 was borrowed for the purpose of completing certain works in connection with the Kingstown internal drainage?—The £8,000 was borrowed for Kingstown, and the £3,000 for Glasthale, which is a part of the township.

238. Preparatory to obtaining this Provisional Order were the plans prepared for those works?—They were laid before the Local Government Board, and also before the House of Parliament.

239. Were those lodged preparatory to obtaining this money?—Yes; they had to be lodged.

240. When were they lodged?—I could hardly give you the exact date; but they were lodged before the inquiry which was held here in March, 1874.

241. Was the Provisional Order confirmed by Act of Parliament?—Yes, in 1875.

242. Has any portion of that £10,000 been applied, and for what purpose?—The £3,000 which was to be laid out in Glasthale has been already expended.

243. How has it been expended?—For the purpose for which it was borrowed, namely, the internal sewerage of Glasthale district.

244. Were there estimates prepared for that work?—Yes; by the town surveyor.

245. When was the first payment made out of that £3,000?—In the commencement of 1876. I will give you the exact date. The Provisional Order was passed in 1875.

246. But you did not get the money until the 20th of May, 1876?—No; but we got the power to borrow the money for certain works. The first sum paid by us for that work was on May 4th, 1876, a fortnight before the loan was completed. Those plans that were submitted in 1874 of course embraced all the works that were to be paid for out of the £3,000. That first payment was £231 10s., and then on the 3rd June we paid our contractor the sum of £430 for portions of the plans dealt with in the Provisional Order.

247. Who was your contractor for those works?—A gentleman named Thomas Sexton.

248. Mr. EXHAIL.—Is he a Commissioner, or a

- *Enclosure.*

April 2, 1876.

Mr. ELLIOT.

relative of the Commissioner of the same name!—He is his brother, but he is not himself a Commissioner.

249. When was the contract advertised for?—In 1875.

250. What is Mr. Thomas Sexton?—He has a general contractor for houses and services.

251. Were there many tenders for the contract of this particular sewerage?—I cannot say.

252. Was the entire of those Glasthule works taken by Mr. Sexton under one contract?—He got only one contract in the Glasthule district. All the rest of the contract work near there was divided between a Mr. John Phick and a Mr. George Dixon. The £22,100 was for a little bit of sewerage. £240 was the amount of all his contract work in that district.

253. Were not all the works put up for competition in one contract?—No; the drainage district was divided into sets of contracts, and Mr. Sexton got that contract only. All the rest of the £2,000 has been paid away between the two other contractors—Mr. Phick and Mr. Dixon.

254. Is Mr. Dixon a relative of any of the Commissioners?—He is somehow to a member of this board, I believe.

255. Have the contracts been accepted in that district?—No; one is going on at the present moment. In fact all the contracts have been completed except one, and that is going on towards completion.

256. Will the £2,000 complete all the sewerage contemplated in Glasthule?—No.

257. Was the estimate too low?—The money is expended, and the work cannot be completed. The works intended to be done are more than the money would cover.

258. Mr. LAWLESS.—Have you got the tenders that were put in for these works in Glasthule upon which the £2,000 was to be expended?—I was not prepared for this, but of course if you wish I can produce them.

259. Was Mr. Phick a Town Commissioner?—Mr. Phick had no connection with the Commissioners in any way.

260. Mr. EXHUM.—Did the Commissioners bind themselves to take the lowest tender?—In advertising we put in the usual statement—"The lowest or any tender not necessarily accepted."

261. Who certifies as to the completion of the work?—The town surveyor.

262. Does he say that they are in accordance with the specification?—Certainly.

263. Are the payments made on his certificate?—Yes. Since we commenced to carry out these works we have appointed a clerk of works at £23 a week. He is only appointed temporarily during the progress of the sewerage works.

264. What is his name?—Peter Milligan.

265. When was he appointed?—On June 16th, 1875.

266. Were other works going on before that without a clerk of works?—Some small separate contracts at a time were previously going on, but when we came to expend all this money on the two districts, the Town Commissioners thought it necessary to appoint a clerk of works.

267. Mr. LAWLESS.—What was Mr. Milligan? What were his qualifications?—He was a man always associated with this sort of work.

268. Was he a builder?—I believe so.

269. Is he a Kingstown man?—Yes. [Reads minute appointing Mr. Milligan.]

270. Has he been since acting, and is he not at a clerk of works in respect to the Kingstown district as well as the Glasthule?—In respect of the entire township.

271. Had he been in any similar employment before?—I have always known him as a builder or a man connected with buildings. The only employment I know of his having been in was as surveyor to the Blackrock Building Society.

272. Mr. EXHUM.—Does he send in reports?—Yes, he is in constant communication with the town sur-

veyor, and he sends in a short summary weekly to the board.

273. Did he ever object to the materials of these sewers?—I never heard of any objection to them.

274. Does the surveyor make reports weekly or monthly?—Monthly.

275. Has he always reported that the work was done in accordance with the contract?—I am not aware he ever said the works were not in accordance with the contract.

276. Did he object to the material of any of those sewers?—Not that I am aware of.

277. Did you look at the works while they were going on?—No; it was outside the proper sphere of my duties.

278. Mr. LAWLESS.—You have said that the £2,000 obtained from the Treasury in 1875 has been applied in doing the Glasthule sewer works mentioned in the Provisional Order of 1875. Now tell me has any portion of the £2,000 been applied in making sewers not specified in the plans sanctioned by the Provisional Order?—Yes, a change was made for the purpose of draining the fields to the south of Crosthwaite-park and Royal-terrace.

279. Were those works included in the plans for which the £2,000 was originally borrowed?—No; but application was made to the Local Government Board to sanction the change; they sent down their engineer, and he stated to them what had occurred. They said they did not see they had much power in the matter, but did not say the deviation was of any very great moment.

280. Will you just explain what was the deviation?—The surveyor can show you that.

281. Perhaps you can tell us how much of the £2,000 was expended on that deviation?—I cannot tell you the exact sum for this reason—that it was made part of another contract.

282. Mr. EXHUM.—Who proposed the change in the plan?—The town surveyor.

283. Did he propose to still certain works shown on the plan and to do those others in their place?—Yes.

284. Did the Town Commissioners authorise the money borrowed for one purpose to be expended for another?—I suppose the Local Government Board said to you, "you know the plan of the works for the doing of which we authorise you to raise £2,000, and it is for you to see that you expend it properly." I should like to see the minute on that.

Witness reads minute:

September 16, 1876.

"Tender for the sewage of Crosthwaite park area."

"A resolution was passed that some of the works be accepted and the consideration of the subject be postponed until the next monthly meeting. An amendment to accept the tender was lost upon a division. The following amendment, proposed by Mr. Kelly, and seconded by Mr. McEvoy, was put and carried unanimously—'Resolved, that the members of the Local Government Board be applied to, to the necessary effects of national drainage to seek approval of by the said Local Government Board, by which the sewage of Crosthwaite-park, not included in such works, may be legally carried out, and that the said lowest tender (that of Mr. Thomas Sexton) for the carrying out of the work for the sum of £240 be accepted, subject to the obtaining of such sanction by the Commissioners from the Local Government Board.'"

The reply was as follows:—

"Local Government Board, Dublin,

"25th September, 1876.

"Sir.—The Local Government Board, for deciding advantageously the receipt of your letter of the 9th last, and accompanying plan, relating to an alteration proposed to be made in the plan which have been adopted for the internal drainage of Kingstown, with the view of providing for the drainage of Crosthwaite-park, which was assisted by the town surveyor in the preparation of that plan; and in reference thereto the Board desire to state that from the report of their professional office, a copy of which is enclosed (the report see Appendix), "it does not appear there is any particular objection in the variation proposed, but they are not aware that sanction is necessary in that they have any authority to give their sanction." The question for the Town Commissioners is—whether the proposed variation in a matter of detail of this kind involves a material departure from the general plan referred to in the Provisional Order, and in the carrying out of which the money borrowed under the Act is destined to be applied.

"By order of the Board,

"R. BAKER."

The next meeting of the sanitary authority was held September 22nd, 1876, when the last letter was read, and I was directed by the committee to call upon Mr. Section to proceed with the carrying out of his contract for the sewerage of Croxlewhite-park, for £380 according to his tender of the 4th inst.

285. How much of the £8,000 was expended for works not in the original plan?—None at all as yet.

286. I thought you said a portion was expended?—I did not use the word expended; I said there was a contract embracing these new works, but no money has been expended on it.

287. Has a contract been signed for doing that?—I think a contract has been accepted; but no money has been expended on it.

288. Can you state how much of the £8,000 is intended to be applied for doing the works not within the plan?—I cannot tell you that, because the work now under discussion is part of another contract embracing other works.

289. What works have been done within what is called the "Kingstown Drainage District," which are to be paid for out of the £8,000?—The Glenagary-road sewer.

290. Is that in the Kingstown district?—Yes; that has been completed.

291. Where is Matthew's-terrace?—In the Kingstown district.

292. And Mulgrave and Royal terraces, Tivoli-road, and Croxlewhite-park?—All in the Kingstown district.

293. I find here upon your account for the year ending December, 1876, under the head of contracts existing or entered into during the year, four contracts with Mr. Thomas Section for sewers?—Yes; he is the contractor "for Glenagary-road at £190;" for "Mulgrave and Royal terraces and Tivoli-road, at £675;" and for "Croxlewhite-park, £210."

294. Is the portion of the work to be done for Croxlewhite-park to be provided for out of the £8,000 or not?—I could not give a decided answer on that.

295. Are all the Sandyside and Glasshale works within what is called the Glasshale district?—All of them.

296. Are Albert and Adelaide roads and Tivoli-terrace in Kingstown?—Yes.

297. Mr. Thomas Section is put down as the person paid for Adelaide-road. The contractor put down for Albert-road is Mr. John Phank?—That is another local contractor. That is a distinct sewer. The work was commenced in previous years, but being part of the plan embraced in the contract for £190, it was not carried out until 1876. The Adelaide-road sewer mentioned below is a continuation of the former sewer, and is a separate contract. This sewer is put down in another place on the "Albert and Adelaide road sewer."

298. According to that account (referring to account of payments received) although you had power to pay contracts to the extent of only £3,000 you have paid £30 over?—Yes, we were pretty close.

299. Was Mr. Section the person who laid the pipes on a former occasion?—No, he had nothing to say to the former contract for laying pipes.

300. Was that contract for £1,300 for the pipe-laying submitted to public competition?—Decidedly.

301. Had Mr. Section any previous experience in laying mains or water-pipes?—Not in Kingstown.

302. Anywhere?—Not that I am aware of. I will read the minute about the contract for the works. I see on September 4th, 1876, tenders for the sewerage of Croxlewhite-park were read from Thomas Section at £390, John J. Long at £400, and George Dixon at £510.

303. Was that last sum for the same work?—Yes.

Witness then read the minutes of 4th September and 22nd September, 1876, which are already given. My letter to the Local Government Board followed on the resolution of the 4th September. (Reads)—

* September 24th, 1876.
To H. Banks, Esq., Secretary to the Local Government Board.

Exmouth.
April 8, 1877.
Mr. Banks.

* Sir,—I am desired by the Commissioners of the township of Kingstown to state, to the Information of the Local Government Board, that the town surveyor, when preparing the plans for the internal drainage of Kingstown, forgot to provide for the drainage of a very important district—namely, Croxlewhite-park, although so provided for the drainage of all the other similar localities in the township. The Commissioners, on learning of the matter, at once inquired as to the proper mode of correcting the omission, and they found, that by making for the present the construction of the sewer to cross fields between Royal-terrace and Mr. Bell's premises, Mulgrave, and so varying to the slight extent the original scheme of internal drainage for which they obtained the sanction of the Local Government Board to have a sum of £10,000 to carry out, they will, without any inconvenience, be enabled to readily overlook made by the town surveyor. The site varies from £1000 to £1500. The cost of the construction of the sewer at Croxlewhite-park is £290, and the tender to carry out the work for this sum has been received."

304. Were you instructed to make that statement?—I have to gather the opinions of the board, and I generally tell them what I will write.

305. Did the surveyor say he "forgot" to include the drainage of such an important place at the time?—He made the statement at the time or I would not have it here. (Continuing later)—

"The survey, by now, enabling the construction of the sewer in the fields north of Royal-terrace, is £290, and the cost of the sewer lately constructed in Tivoli-terrace (that is the amount for which the work was constructed under the town surveyor's sanction), is £250, total, £250, leaving a balance to credit of £250. Under the circumstances, the Commissioners trust the Local Government Board will sanction the proposed change in the original plan.

* I am, sir,

"Your obedient servant,

"H. J. Keen, Secretary.

* Note.—Sketch plan of both of the above-named sewers are attached herewith.

306. Mr. LAWLESS.—The provisional order was confirmed by an Act of Parliament, and the Local Government Board say—"We can't alter that Act of Parliament."

307. Mr. EXHAM.—But there could be no alteration in this case, for the town surveyor says—"It is an actual case of forgetfulness on my part."

Witness.—"Overlook" would have been a better word to use in the letter.

308. Mr. LAWLESS.—You used both, so that you are not at a loss for phrases.

309. Mr. EXHAM.—Mr. M'Evoy might have let the resolution be put, but he moved the amendment probably thinking that the Local Government Board had no power to do it.

Mr. M'EVY.—That is exactly so.

310. Mr. LAWLESS.—Was there any action taken by the Commissioners after the receipt of that answer of December 20th?—The Local Government Board said there was not any such departure, and that go were incurred in making the variation.

311. Mr. KEEN.—It appears that there were two separate portions of ground; the property of one was shown on the plan as ground necessary to be drained, and the sewers for this property were sanctioned by the Act of Parliament, and the property of the other was not. Then the resolution is passed to substitute the works on the property of the man who was not entitled to have them done under the Act of Parliament, and who is the chairman of the Town Commissioners, and to give up making for the other gentleman, whoever he was, the sewers that were represented and sanctioned as necessary for his property.

Witness.—In the resolution I have already read it said:—"Resolved.—That the sanction of the Local Government Board be." &c.

312. Mr. EXHAM.—But the Local Government Board refused to sanction it. They said—"If you can legally do it, do it; but we will not give you authority."

313. Mr. LAWLESS.—At the time of obtaining the provisional order was evidence given as to the necessity of the works, and were those works at Croxlewhite-

KILKENNYS,

April 5, 1877.

Mr. ERHAM.

park represented as a necessary portion of the works to be done?—They were.

316. *Witness made following minute:*

* Amendment proposed by Mr. Kelly, seconded by Mr. McEvoy.—Resolved—That the sentence of the Local Government Board to apply for the variation of the scheme of internal drainage formerly approved of by the said Local Government Board, by which the sewage of Crosthwaite-park included in such scheme, may be largely carried out; and that the lowest tender (that of Mr. Thomas Scottes) for the carrying out of the work for the sum of £2000 be accepted, subject to the obtaining of such sanction by the Commissioners from the Local Government Board.* Amendment put, and carried unanimously, and then put as the original resolution, and carried unanimously.

I now see the contract for Crosthwaite-park was not what I said before. I see it is a distinct contract; it is set forth here.

316. Mr. ERHAM.—Who proposed that resolution?—Well, in committees we don't always have formal resolutions.

316. Mr. LAWLESS.—Was that at a meeting of a committee? Was the meeting summoned, and was there any notice given of the meeting?—There is an hour fixed for the meeting of the urban sanitary authority. There was not any notice given of the meeting.

317. Mr. ERHAM.—But surely this was not to be done by the urban sanitary authority?—It was to be done by the Town Commissioners at their peril. The urban sanitary authority have entered into a contract for £2000, which appears to be directly or indirectly with, or at all events is not sanctioned by the Provisional Order or the Act of Parliament.

318. Suggested by Mr. McEvoy.—Did you give notice for that meeting?—No.

319. It is not, in fact, voting away £2000 which the Act of Parliament has directed to be expended in some way, in another to benefit the property of the then chairman of the Town Commissioners?—[No answer.]

320. Mr. LAWLESS.—This £2000 was voted to be applied to works in Crosthwaite-park which was not included in the plan of the works on which any portion of the £10,000 was to be expended. Was not a portion of the work to be done in the original plan omitted to be done for the sake of doing that?—I believe so. That was the case.

321. Was it omitted in order that this particular portion of Crosthwaite-park might be substituted for it?—Yes.

322. What portion of the original works provided for by the original plan was omitted—in what district?—In the same district; in the immediate neighbourhood.

323. Mr. ERHAM.—Mr. Evans, in his letter to the Local Government Board, says the surveyor forgot to include this portion of sewerage.

Witness.—Oh, I did not say he forgot it at all.

324. Mr. LAWLESS.—The contracts mentioned here for the year 1876 come altogether to about £5,572. You have made mention of some of the expenditure at this £5,000. How much of that has been expended now?—£1,764 15s 2d.

325. Mr. ERHAM.—Have the works been stopped?—No works commenced have been stopped; but we advertised for contracts for other portions of the sewerage works, and finding the tenders so much in excess of the surveyor's estimate, none were adopted.

326. Mr. LAWLESS.—I see contracts were entered into to the extent of £5,375. Are they for the Kingstown district, and are they being carried out now?—Malgrave-street has been completed, Glasney-road has been completed, and £1,120 paid on account; and nothing has been paid on account of the other two.

327. Mr. ERHAM.—Can you tell us what was the estimate for Mathew's-barracks?

Mr. Doyle (town surveyor).—£150. The estimate for Glasney-road was £1,200; for Malgrave-street, £315; and Tivoli-road, of 5s, would be £180; the estimate for Royal-street is £285.

328. I see for Lower George-street the lowest tender was £1,400, while the estimate was only £764;

J. Sexton, for another portion, tendered at £596; and the estimate was £2370. For Cumberland-street the lowest tender was £198, while the estimate was only £171.

329. Mr. LAWLESS.—What was the estimate for Crosthwaite-park?

Mr. Doyle.—I think £2000. There was an explanation given about my estimate. The contracts that came in for the former works were under my estimate, and then the statement was volunteered here that the contractors having found out their mistake, wanted to levy the deficiency on the new contracts, by adding to them.

330. Mr. LAWLESS (to Witness).—You say £1,564 15s 2d has been actually expended up to this date out of the £5,000. Where is the balance?—To the credit of the Commissioners, in the bank.

331. Does it bear interest?—Yes, at the deposit rate allowed for current accounts, calculated from day to day; we are constantly drawing on them. When I last submitted my balance-sheet to the recently meeting it showed £0,230 4s. 2d. to the credit of the Kingstown district. I then made a suggestion, acting on which the following resolution was passed on the 2nd April, 1877:—

* Resolved.—That the engineers to invest a portion of the sum in the bank, up to the credit of the Engineers' Reserve Account in one three per cent. Government stock to brought before the next meeting of the Board, with notice previously given, in such Committee.

332. In the meantime, see not the ratepayers paying interest on that money, and maintaining a large loss thereby?—Yes; but it is in course of being repaid.

333. Are all the works for which that money was borrowed actually now in progress?—No. The reason is, we could not advertise for carrying out the sewerage of two districts at once; we would have all the streets cut up at the same time. You cannot take the drainage of the town piecemeal; you can only take it in districts.

334. Was it not going hastily to work to put the ratepayers under the interest of £20,000 all at once?—I know in the case of the Corporation of Dublin they borrowed the sum in bulk, and paid them off. The way was this: If we applied to the Treasury to give us the money piecemeal, I doubt if they would not object, because we would have to give separate mortgages in each case.

335. Was there any attempt made to get the money in that way?—It was spoken of at the time, but it was thought so utterly impracticable that the suggestion was not acted upon.

336. Mr. ERHAM.—This last statement of yours sets out the contracts for the Kingstown district after contracts, amounting altogether to £2,378. Are those the only existing contracts?—Those are all.

337. Is it contemplated to go on with the others?—Definitely. We have been constantly trying if we could get contractors to send in lower tenders. We got trial price made; in the case of one we found from the nature of the soil matters would be totally against the Commissioners, in another in favour of the Commissioners.

338. Are there any contracts before the Commissioners now?—No.

339. Nor tenders for contracts?—None.

340. The present occupiers of houses are paying rates to pay off the balance of the £5,000, and no doubt there will be another penny expended for years. Has the surveyor stated what it will cost to do the residue of the works provided for by the Provisional Order Act?—That question was before the committee at the end of the year; and a recommendation of the full Board was then made that, in view of the difference in prices of the materials used in carrying out works now, from the prices current when the surveyor made out his original estimate some years ago, it would be advisable for the Board to fix what the gross price would be, and then apply

to the Local Government Board for further borrowing power to supply the deficiency.

341. When did the surveyor make out these estimates?—In 1874.

342. Do you mean to say that materials and labour for making and laying sewers have gone up since 1874 to such an extent as to make the difference between the surveyors' estimates and the amount of the tenders?—Bricks have gone up very much—at least I am told so.

343. It may suit some persons' interest to say so. Other materials are cheaper now. We all know that prices went up considerably before 1874, but I thought they had now come down to something like their former range. That is so!—I do not know.

344. Mr. LAWRENCE.—Have the Commissioners borrowed any further sum of money than those you have mentioned?—On the 14th November, 1875, we borrowed, under authority from the Local Government Board, £8,000 to build a town-hall and courthouse, we got besides £1,700 the balance of the £3,000 under the Extension Act, and we also borrowed £1,000 under the authority of the Local Government Board for the asphalting of the streets of the township. The £28,000 was borrowed under the provisions of the principal Act, that is, the Act of 1854.

345. Under what Act did you obtain the £3,000?—Under the Kingstown Improvement Act of 1861.

346. Under what provision of that Act?—The provision dealing with roads; the power to levy a road rate of eighteen pence.

347. From whom did they borrow that £2,000?—The entire of these three sums of £8,000, £1,700, and £3,000—total £11,700—was borrowed from the Royal Exchange Assurance Company of England at four and a half per cent. repayable in forty years.

348. Mr. EXHAM.—What is the security for all this. Is it secured on the road rate?—This is why I asked were there separate accounts kept of the road rate and the improvement rate.

349. We have acted on that principle. Our estimate shows that the one-fourth of the loan of £3,000 for asphalting is £50, and the interest at four and a half per cent. is £50. The entire of that is charged on the road rate. I put the interest of the different loans under the several headings here, the improvement rate, under the Act of 1854, and the road rate under the Act of 1861. I set further under each column the money chargeable properly to these two rates; and you will perceive that not a farthing of our rate is improperly charged to the other.

350. Among those latter sums you have mentioned you named £8,000 borrowed under the provisions of the Town Improvement Act of 1854, to build a courthouse and town-hall. What provision is that Act give you that power?—Under the Act of 1871 you will find full powers given to the Local Government Board to enable bodies such as the Kingstown Commissioners to borrow for those purposes; and under that Act they gave us power to borrow those sums of £3,000 and £8,000. The 26th section of the Act of 1874 states:—

"The Commissioners may, less than or more, for the purpose of defraying any costs or expenses incurred or to be incurred by them under the principal Act, or any Act incorporated in and Act, do, borrow any sum of money for such charge and expense."

351. When did you obtain that £8,000?—In November, 1876.

352. When did you adopt the provisions of that Act?—In January, 1873. (*Orders of the Local Government Board for the £3,000 and £8,000 handed in*)

353. The result appears to be a bad one for the rate-payers here. Is there not an annual loss of £310 a year by paying the interest on this loan of £8,000, which is not being used at present?—No, for the money has been since invested in purchasing Government stock, and we get the dividends.

354. Mr. LAWRENCE.—Has anything been done towards the erection of a town-hall or a court-house?—Mr. BARRETT.—Plans have been prepared.

355. Mr. EXHAM.—Have there been any tenders?—Witness.—I drew up an explanation with reference to the Board the other day. It is this:—

"With reference to the statement as to the loss of one and a half per cent. arising to the rates from the sum of £3,000 borrowed to build the town-hall and court-house not being at rates required, it would appear to assume that it is possible for public bodies to always average matters, so that such a thing should not occur. From the long and tedious negotiations carried on, both as regards the obtaining of this loan and of procuring a proper site for the town-hall and court-house, before a definite result in either case was arrived at, it is very clear that instead of those being anything average or unascertainable in the transaction, the Commissioners should negotiate discussions on having both money (that is to say the site and the loan) completed within so short an interval as has actually taken place. The loan was placed to the credit of the Commissioners on the 14th November, 1875, when they were aware that the Board of Works had obtained the Kingstown Harbour Act, enabling the latter to obtain a site for the town-hall and court-house on terms and conditions already agreed upon, and when they were aware that the loan itself was under consideration."

As a matter of fact an advertisement for tenders will appear in next Saturday's paper for this town-hall and court-house.

356. The Commissioners have had this money since 1875. Have they fixed upon a site for a town-hall? Has it been ascertained that there is a site procurable?—Decidedly.

357. What are they to pay for the ground?—We have arranged with the Board of Works, which arrangement is sanctioned by the Treasury under the Act of 1875, and there has been marked as a site on the Royal Marine-road, 130 feet in length by 100 feet in depth, on a 999 years' lease, at 10s. a foot frontage. The lease is before the agent of the lord of the soil, and we expect the master will be very soon completed.

358. Have you got any plan for the building of this courthouse and town hall?—We adopted plans in September, 1874, but before the Board of Works had given their sanction with regard to the site the plans had to be altered; and they were finally adopted on September 4th, 1876.

359. Have you got specifications for the works?—There is a specification now with the architect, which will appear with the plans in the advertisement on Saturday.

360. What is the amount of his estimate?—The architect did not formally submit an estimate; but his estimate for the works before the Board is something like £15,000 or £14,000.

361. So that having £8,000 to expend on a certain building the Commissioners propose to put them under a rate of £55, and to expend £13,000 or £14,000?—No; they will have tenders for contracts; there will be gross tenders first. They will then open the detailed tenders of the persons whose contract they accept. They will go through the works with their architect, and see where the building can be set up in different places so as to keep the sum to be expended either at the £8,000, or as near to it as the requirements of the town will admit. If they find they can have a building, after consideration with their architect for the £8,000, the matter will be ended. If they require £10,000 or £8,000 in addition, it will be necessary for them to lay a statement of these facts before the Local Government Board, and they may proceed for the borrowing of a further sum.

362. But, surely, the plans must have been already laid before the Local Government Board?—They were.

363. Did you purport to do the work in those plans for the £8,000 which you asked leave to borrow?—Yes.

364. Do you mean to tell me the plans which you then submitted as being possible to be carried out for £8,000, your architect now estimates at £15,000?—You forgot certain parts of my statement. The plans adopted in September, 1874, were then estimated to cost £8,000, the sum applied for from the Local Government Board. The site was marked. We have to deal with the Treasury through the Board of Works. We had to get the Board of Works' approval of the plans for the courthouse and town hall, before they could give us the site. The architect's plans having been submitted, the Board of Works made certain alterations, and suggested

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April 6, 1897.

Mr. Exham.

REMARKS.

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Mr. Finch.

further expenditure which, with the increase of prices, will account for the increase in the proposed estimate as the architect assures us.

355. Did you not get £2,000 from the Local Government Board last year, and send in certain plans to the Board of Works last year. Were they approved of by your architect?—They were.

356. Who was your architect?—Mr. Robinson of Brunswick-street, Dublin.

357. Did you tell the Local Government Board you were going to execute these works?—When we applied for the £2,000 we did.

358. What did your architect tell you at the time these works might be estimated for? You must have represented to the Local Government Board that everything shown in those plans could be done for a sum, not exceeding £2,000. (Reading)—

"Such money shall not be borrowed until an estimate of the amount required has been laid before the Commissioners, &c."

We did so then.

359. Was your estimate for the works shown in the plans laid before the Local Government Board?—I should say that both the plan and estimate for doing the works for the £2,000 were submitted to the Local Government Board.

360. I think you said all the conditions were complied with?—Yes, that is so.

361. Did the plans laid by your architect before the Local Government Board show certain work to be done—so many feet of masonry, &c.?—No, they did not. The detailed estimate was not laid before the Local Government Board: a gross estimate and plan was sent to the Local Government Board.

362. Did your architect, Mr. Robinson, tell you that all the work purporting to be shown in that plan could be done for £2,000?—The original plan was to be done for £2,000.

363. Did your architect, Mr. Robinson, tell you that in his opinion those works could be done for £2,000?—I cannot say that he did. The plans sent in to the Local Government Board were copies of the plans originally adopted in 1874 with the same estimates. Then we came to deal with the Board of Works. They suggested certain amendments to those plans which would require an increased expenditure of money, and we could not go on with the plans without it.

364. On what did you get the order from the Local Government Board to borrow the £2,000?—Not on the new plans of our architect, but on the plans originally adopted in 1874, which were only to cost £2,000.

365. Were the plans altered in 1875?—They were amended, as suggested by the Board of Works, in 1876.

366. Do you mean to say that an amended copy of those plans, with the increased estimate incorporated therewith, was never sent to the Local Government Board?—No, because we are not in a position to send them in. We do not know whether we will be in a position to carry out the works. We will first see, having got a detailed estimate from the architect, if the works can be kept within the limits.

367. If that is so, where is the excuse for taking the £2,000, and leaving the ratepayers under the loss of interest per annum thereon, when you do not know whether the Local Government Board will ever sanction your altered plans or not?—You have bound yourselves for forty years to pay off this money, and to pay interest at four and a half per cent. for forty years; and now you have been obliged to invest it in Government stock, and are only getting £250 a year, while it may happen that you will never be able to carry out those new plans, because if you increase your proposed expenditure on the new plans by £2,000, or more, and apply to the Local Government Board for the necessary power to borrow the additional money, they may not give it to you. Have you the letter of application sent by you to the Local Government Board?—I think

the letter about that transaction was sent to them by our solicitor.

368. Is there any resolution of the Town Commissioners at the time this application was being made?

369. Mr. LAWLESS (referring to minute-book).—Lifted here, from minutes of meeting so far back as 1st October, 1874, that the site on the Royal Marine-road was applied for to the Board of Works, and that on the 12th October plans were directed to be placed on the table, and a resolution passed on September 11th, was confirmed!—We were then proceeding under the Act of 1854.

370. Mr. EXHUM.—Do you put the whole of the salary of £250 for the town surveyor on the road fund?—Certainly.

371. On what principle did you do it or by what authority?—The authority is that in doing so I acted according to the best of my belief as to what I thought was right. The town surveyor's entire duties are devoted wholly to the out-works in connection with the roads of the township.

372. Do you mean to say that it is not part of the surveyor's business to see that the drains and sewers are properly constructed, and according to his plans and specifications, and to look after noxious dwellings?—No; I think those matters are part of his duties.

Mr. BURKE.—His principal duty is on the road.

373. Mr. EXHUM.—I beg your pardon. What is done here is to allocate his entire salary to the roads, although if he does his duty he has a great deal to do looking after the new sewerage and sanitary matters. The reason of attending to this is very important, because, putting everything you can on the road-rate in your estimates for that year, you have only occasioned a surplus of £36 14s. 6d. on account of the improvement rate. The weekly wages for the surveyor, &c., charged to the improvement rate are only £19/-; while you charge £200 to the road rate.

374. Without—I wish you state were carried out, and if those items were charged to improvement rate, the gross total would amount to the same sum on foot of both rates.

375. Mr. EXHUM.—If you made the proper charge only against each rate you might have a balance owing to you on one rate, and a large deficiency against you on the other; and when you pay my men will go for increased borrowing powers, the whole way you have been dealing with the two rates and the charges against each come forward, and it might be shown that your improvement rate was wholly insufficient to pay even the existing charges on it, and that the way the Commissioners have been dealing with the ratepayers' money, becomes important. There is also a sharp "for-hire." Whatever the horses employed in doing!—In surveying the straits and repairing the roads. The cost is £45 per horse per annum; and there is charged for horses £37 to the improvement rate, and £200 to the road rate.

376. Is not the greater part of the work in which these horses are employed, done in carrying out sanitary matters?—I would not say the greater portion.

377. Why do you charge any "part of the election expenses, £20; revision of Parliamentary Voters' List, £20," to the road rate?—The Commissioners are elected to carry out both the Acts of 1854 and 1861. I have always held, consequently, that the rates levied under both Acts should bear their respective proportions of such costs, and I have to learn yet I am wrong.

378. In other places—Cork and Limerick—the account produced by, and the payments made out of each rate, are kept under separate heads; and in Limerick an opinion was produced before us from a very eminent counsel in which he advised the Commission to be cautious as to charging each rate with its proper expenditure or proportion of expenditure, as the case might be. Is it not part of your surveyor's duties to look after the sewerage?—We deal with that work in connexion with the sanitary business almost exclusively by our two sub-surveyors officers.

382. Is there anything charged to the improvement rate for the money you have expended on the sewers?—Not a shilling.

383. Is the loan of £10,000 you have obtained borrowed altogether on the security of the sewer rate?—Decidedly.

384. And does the surveyor do nothing about the sewers?—Yes, you are mixing up sanitary business per se with the loan of £10,000 for sewerage purposes. I hold that the sanitary matters you speak of are wholly distinct from the work carried on with the loan of £10,000.

385. Do you mean to say the surveyor does nothing whatever but look after the repair of the roads?—I do not mean to say so.

386. Mr. LAWLESS.—You referred us to him already as the party to give us information about the sewers.

Mitton.—I have already explained that branch drains, &c. *a secura*, are sanitary matters, and there are medical sanitary officers and others whose duty it is to inspect and report upon this subject, such as where new branch sewers should be made, old ones repaired, &c.

387. Mr. EXHUM.—Will you read us the minute of the Commissioners appointing your town surveyor? (Witnessed the minutes of proceedings at the time of the appointment of town surveyor, from which it appeared that the town surveyor was not to carry on any other works without the special permission of the board.)

388. Was he informed by any person, and if so whom, as to the duties he should perform?—Yes.

"Town surveyor's duties, as fixed May 26th, 1862, and January 31st, 1868.

"He shall make himself by personal inspection acquainted with the state and condition of the road, drainage, digging, &c., particularly inspect the repairs of roads, and direct the work to be performed by them, and shall be and be responsible for the proper performance of such work. He shall see to the weight, quantity, measurement, and quality of road slabs, flagging, and stones required to the lowest by contract, so as to protect the interests of the township against fraud, and shall also from time to time report thereon to the board. He shall, by personal examination and inspection from time to time, inform himself of the quantity of materials of all sorts that may be necessary to be provided for the proper maintenance and repair of the roads, flagging, pavements, old crossings, and the probable cost of same, and also to enable the board to estimate for a previous sufficient supply, and also to form correct estimates of the mowers to be raised by rates under the Town Commissioners' Clauses Act, 1847, and he shall yearly, at the time directed by the board, prepare a list or estimate of all work necessary to be done during the year, stating the maintenance and repair of all such works, and allowing for the probable cost and expense of same, and whether in his opinion it would be advisable to do same, or not, and what portion of said work by their own workmen, or by contract. He shall have control over the working staff in their employment, subject to the following conditions.—Previous to the employment of additional men, or to the dismissal, as the case may be, he shall be bound by the opinion of the board with respect thereto. In case, however, it may be proper either to employ or dismiss men without delay, the surveyor shall be at liberty to exercise his own discretion, and his acts shall be allowed, until approved, or set aside by the board as he may require. With respect to contracts, it will be his duty to inform the board about them, but the making of them will be the business of the board, and the board estimates for the same being. As regards drainage and sewers, he shall, as soon as possible, have his authority to the carrying out of all the provisions of the Act, especially sections 15, 15, 16, 17, and 18, and the previous respecting public sewers as contained in the Town Improvement

Clauses Act, 1847. He shall, as soon as possible, prepare on a scale reduced from the Commissioners' map of a plan convenient area, a sketch plan of the district, and mark thereon the elevations required by said Act and the position of the existing sewers, as well as the position whence, in his opinion, new and drains should be made, and the fees at the altitude required in said Act, and shall also, if necessary, prepare a plan with vertical sections of the district, and plans, &c., to be on the scale as in said Act, and such as may be deposited in the office of the Commissioners for the inspection of the public. The surveyor should also, as soon as possible, do all necessary and needful things to enable the board of Commissioners to divide the Township into drainage districts, as required by the third and fifth sections of the Town Improvement Clauses Act, 1847. He shall also be of other expenses proper and fulfil the duties of local surveyor of paving, drainage, and other works, as contemplated by the Act of Parliament.

389. Will you show me the paper made by him on or before the 1st of April this year, on the works necessary to be done in the township?—(Referring to report.) He says he will require 310 lams for the lighting of the township; men for the repair of the roads of the township in Monkstown, Glascote, and other places; and he requires a certain amount of limestone. He does not give a detailed account.

390. Do you consider that compliant with the provisions of the Act, and the duties so pointed out to him by the chairman when he was appointed?—When road committees or works committees sit down to go over estimates for the year, the surveyor will not bring up a very elaborate statement of what he can go in to conference.

391. Mr. LAWLESS.—Is this the only estimate of works he has given, and the only report he has made?—Yes.

392. How has the balance of that £5,000 been dispensed of?—Under the Extension Act we got very general powers of allocating that money. We allocated it for Mr. Sharkey's costs.

393. What costs were these?—The Commissioners, in 1873, opposed a Gas Bill promoted by the Dublin Corporation in connection with the Alliance Gas Company; and there was also a "Citizens'" opposition committee. Mr. Sharkey got judgment, and demanded payment of his costs, amounting in round numbers to £1,300. Both parties appeared by counsel in Court, and the case was argued on behalf of the two parties. First there was a case argued before the Court, and the result was a judgment in favour of Mr. Sharkey. This bill of costs came to about £1,400; you have then £500 you already came across under the Extension Act. Then you have a balance for general outlay.

394. Is that the way the £1,700 is accounted for?—Yes.

395. Mr. EXHUM (Bonds from the estimate)—

"Repair of carts, £50; brushes, shovels, and spades of old, £50; implements to supply factory to watering carts, £50; new valves, £50; hose, £12; two new stone carts, £20; lamps to be ordered, and put up during the year, £50; general repairs, stables, &c., £50; iron, total, £50."

396. Of that why do you put £48 to the improvement rate, and £200 to the road rate?—You cannot in these cases, cut down to a finite point exactly what you will charge to each rate. If I can tolerably approximate the amount to each rate I think it is as much as I am called upon to do.

Kingsdowns.
April 6, 1877.

Mr. Exham.

APRIL 6, 1877.

April 6, 1877.

The Town Clerk handed in the following documents:—Agreement with the Alliance Gas Company, the bills of costs of the promoters, and of the opposition in connexion with the Act of 1869; the guarantee bond given by the collector, and that given by himself (the Town Clerk); and the indemnity given by Messrs. Casey and Gray to the Commissioners.

403. Mr. LAWLESS.—I find that the outstanding

loans, including £1,700 for the extension of sewers to the extended districts, and giving the Commissioners credit for having paid off £1,400 of the £16,000, is £38,400; and of the money that were received with respect to these loans, there was paid for the costs of proceedings before the House of Parliament, £7,395; and in the year's account for 1876 there are claims for costs, not included in that sum, amounting to £693.

Mr. Exham.

Kilkenny.

April 4, 1877.

Mr. Keane.

12a. Id., making a total for which the Commissioners claim credit of £8,089 12s. Id. Are these figures correct?—They are.

404. Has your guarantee bond for £300, which bears date February, 1872, been renewed since?—No; it does not require to be renewed, but the premium has been paid yearly. The auditor expressed his opinion that this class of security is the best.

405. Does the auditor prefer £1?—Yes; and so do the Commissioners; the premium is paid annually; and I have the receipts.

406. Is the collector's security for the year not out yet?—You will see that it is more satisfactory to have that form of guarantee than security by two parties to a bond, one of whom may die at any time.

407. There are conditions in these which would render it very difficult to enforce liability—I believe those are the usual conditions of a policy.

408. Have you given us all the documents we asked for connected with the hills of cost, except the very material one, the special case stated to the Court of Common Pleas?—Yes.

409. I see that under the head of miscellaneous charges there is credit taken for having paid £350 to Sir John Hawkshaw, o.s., for "report and plan on main drainage"?—Yes.

410. What was that?—A report that he made in the year 1873 on the main drainage. I gave in a copy of that report.

411. Was the report in 1873?—Yes; his fee was £350, and he reduced it to £250.

412. Were that report and plan made use of for the purpose of obtaining the loan of £10,000 afterwards?—No; it had nothing to do with the £3,000 and the £2,000. It was used on the inquiry held by Mr. O'Brien.

Mr. McEEBIE.—It was used by the opposition.

413. Mr. EXHAW.—Is it a fact that instead of adopting Sir John Hawkshaw's plan after getting the provisional order, you threw it over, and went in for a new plan?—Not quite; it would be better to say that Sir John Hawkshaw's scheme has been varied. The result of the inquiry was that the town surveyor's plan was adopted. (Reads in the report of Sir John Hawkshaw.)

Mr. McEEBIE asked for the correspondence sent in on this subject.

414. Mr. LAWLESS (to town clerk).—When, and from whom, was the £2,000 for asphalt obtained?—On the 14th November, 1876, from the Royal Exchange Insurance Company (England).

415. At what rate?—At four and a half per cent, repayable in forty years by equal annual instalments.

416. What were the particular objects for which that £2,000 was borrowed?—For asphalting the footpatha.

417. Under what Act did the Commissioners borrow it?—Under the 26th section of the Local Government Act of 1871.

418. In what way was it proposed to do the work?—There was no particular way proposed; the Commissioners reserved to themselves the power to do it in any way they chose.

419. Are there companies who do that particular kind of work by contract?—Yes.

420. Did the Commissioners contract with any particular company for doing it?—Not with respect to this £2,000.

421. Was there any of the proposed work done since November, 1876, with this money?—There was.

422. Can the surveyor mention the amount of work done?—I can tell you what was done up to the end of the year; in fact, you will find it in the balance-sheet.

423. I find here that you take credit for having expended on asphalt works:—"Purchasing eight barrels for mixing asphalt, £26; contractor for laying asphalt, £189 12s. 6d.; Linseed asphalt, £118; general limestone, £100 16s. 6d.; Uphill Oil Company—shale

tar, £38 7s. 10d." and some other small payments, which make up the total expense of this kind of work for the year £524 12s. 6d. —Yes.

424. Did the Commissioners proceed themselves to do this work instead of getting it done by contract?—We advertised for tenders in February last.

425. In February, 1875?—Yes.

426. That was before you had got the money?—Yes; the tenders we received were of such a character that the Commissioners could not go on with the work.

427. Have you got those tenders?—Yes. The price sought for in the tenders was so large, that the Commissioners for the sake of economy preferred to go on with the work themselves.

428. Had you any offer from the Val de Travers Asphalt Company?—Yes.

429. Have you got a tender by the Linseed Asphalt Company?—Yes. (Tender produced.)

430. This extract appears to have been given on the 2nd September, 1875?—Yes.

431. Was this estimate rejected or considered by the Commissioners?—It was considered; but they thought the price was very excessive.

432. By whom had you previously got asphalting done?—By the Val de Travers Company.

433. At a lower rate than this?—At 3s. per square yard.

434. Instead of 5s. 8d.?—Yes.

435. When was the consideration of this estimate brought before the Commissioners?—Somewhere about that time.

436. Have you any offer from the Val de Travers Company?—Yes; on the 3rd September, 1875. (Offer produced.)

437. This appears to be signed by Mr. Fottrell individually. Was he chairman or a member of the company?—He was secretary for a long time.

438. Did you consider this to be an offer on the part of the company?—I considered it was; it is dated from the office.

439. And the office are 39, Dame-street?—Yes.

440. Was anything done in consequence of this offer of Mr. Fottrell's?—No; nothing was done. I have here the minutes of the meeting of the road committee, on the 8th September, 1875. (Reads.)

"Tenders for asphalt were read from the Linseed and Val de Travers Asphalt Companies. The secretary was directed to refer to Mr. Fottrell, that the Commissioners were inclined to accept at 3s. per ton."

441. Was there a communication sent to Mr. Fottrell?—I wrote him a letter to that effect.

442. Was his offer to supply the asphalt at £3 10s. accepted?—No; that is all that was done.

443. Was any advertisement published for tenders?—Yes; in February, 1876. The advertisement included a person to lay down the asphalt.

444. What was done in consequence of that advertisement?—There was only one tender, and nothing resulted from it.

445. Was there any communication between the Commissioners and Mr. Fottrell, with respect to laying the asphalt?—Very likely there was, but I cannot say. (Reads.)

"October 6th, 1876.

"Tender for laying asphalt pavement sent from Mr. Brady, price to be £1 3d. per square yard, to Commissioners to supply all materials and labour, except fuel, tools and labour."

446. Was that contract actually acted upon?—Yes; and it has been acted upon since. I have a letter from Mr. William Murphy, dated from the office of the Val de Travers Company, on the 24th February, 1876, offering to supply a limited quantity at 2s per ton, and finished limestone at 70s per ton. We then purchased twenty-five tons of asphalt, and twenty-five tons of limestone from him. Then we had a tender from Mr. Worthington, Linseed Asphalt Company, to supply not less than 300 tons delivered ex-ship at

Kingsdown, at £4 10s per ton, and also stating that he would give us every information as to the mixing of it, and send us competent men to do the work.

447. In accordance with that offer did the Commissioners purchase it?—In consequence of that we ordered the same quantity of asphaltite that we ordered from the other person (twenty-five tons), and that being ready for use we used it first.

448. Is that the asphaltite paid for?—Yes; Mr. Fottrell at the end of 1875 caused to be connected with the Val de Travers company.

449. Who represented the company then? Did they sell their business, or was it wound up?—Not at that time.

450. Did they not become bankrupt?—They were not able to go on. It was stated that they would be prepared to receive tenders for the plant and material.

451. With whom did the company propose to deal for the sale of the plant and materials? Did any persons offer to purchase it?—I am personally aware that no offer was made.

452. By whom?—By the chairman (Mr. Crosswhite) Mr. Fottrell and myself.

453. Was Mr. Crosswhite chairman of the Town Commissioners at the time?—He was.

454. When was that offer made?—In January, 1876.

455. Mr. EXHAM.—Was the interest in the concern put up for sale?—We were in one day taking about the offer of 1875, and one of the directors (Mr. Murphy) told us that the directors would be anxious to receive proposals for the purchase of the material and plant, and afterwards, in January, we heard from Mr. Fottrell that the place was still unoccupied. I then went in to see if it would be a good investment, and I found it would be so. On being asked by the other two gentlemen to join them I agreed to do so.

456. Was anyone joined with you?—Yes; Mr. Crosswhite and Mr. Fottrell. Of course you are aware that this transaction has nothing to do with the accident of my being the town clerk and Mr. Crosswhite the chairman of the Commissioners.

457. Is there something to do with your going on with the contract?—We did not go on with it, the three persons named signed an authority to a solicitor to make an offer for the material, plant, and premises.

458. Mr. LAWLESS.—What was the date of that?—January, 1876.

459. Was there any contract for asphaltite after that?—No; Mr. Fottrell has a patent, and he sold during the year to the Commissioners some of the material that is used in making the asphaltite. They bought 100 tons of ground limestone from him to mix with the asphaltite. He alone supplied that ground limestone to the Commissioners, and he alone derived any profit from the sale of it. We had nothing to do with it.

460. You say it was not the property of the asphaltite company?—Certainly not. Mr. Fottrell had to go to Liverpool to purchase some of it.

461. Is that the ground limestone for which the Commissioners take credit in this account?—Yes.

462. Mr. EXHAM.—But Mr. Finlay has encharged that it?—Yes; and Dr. Webb gave it as his opinion that Mr. Finlay acted illegally in doing so. I will just read you this extract of the 22nd September, 1876:—

"Special meeting 12th October, 1877.—Letter of 2nd instant read from Messrs. Rawson and Company of Liverpool, and of 4th instant, from Mr. Fottrell, proposing that the Commissioners should be paid direct by the Commissioners of the works owing to the latter an amount of the value given to him on the 22nd ult. for 100 tons of ground limestone. Stated by Mr. Radley, seconded by Mr. O'Brien. Resolved.—That the Finance Committee be authorized to facilitate the payment of the amount (amount) from Liverpool by paying the sum for the material when delivered to Mr. Fottrell, first giving him a receipt for the amount to be so paid, in consequence of the owing of about £57 10s, which will be effected thereby to the sum, the material being delivered to Kingsdown instead of as at present being brought from Dublin by the Board's staff." Question put and carried; Mr. McEvoy agreed."

Kingsdown,
April 6, 1878.
Mr. EXHAM.

When the material was delivered, and Mr. Fottrell was about to be paid, I brought this resolution before the Finance Committee, and I said that he should give me an indorsement receipt and I would pay them. In that way he indorsed a cheque to me, and I drew my cheque against it and sent it to them, and then the balance was paid to Mr. Fottrell.

463. Was that brought before Mr. Finlay?—Most undoubtedly; I stated that before him at the start.

464. Mr. EXHAM.—If it had been put up to public competition would it not have been got much cheaper?—We purchased that limestone from Mr. Fottrell, allowing him something above the actual value of the limestone for the liberty to use his patent.

465. Mr. LAWLESS.—That does not meet Mr. Finlay's objection at all?—I have Dr. Webb's opinion here saying that Mr. Finlay acted illegally.

466. How much of that £2,000 borrowed for asphaltite has been paid?—You will see £296 in the account; that has been paid since on the surgeon's certificate of the delivery of the full amount, and £20 7s. 6d. to Mr. Worthington—and £280 5s. 11d. has been paid since the 1st January, for the laying of the asphaltite.

467. Are the balances of the £3,000 for asphaltite and of the other loans comprised in this balance of £10,639 to your credit in the bank?—Yes; that £10,639 covers the entire of those sums.

468. Do the Commissioners get interest for that £10,639?—They have invested £8,000 in new three per cent stock.

469. And as to the rest?—It is in course of expenditure.

470. Are you receiving any interest on it?—No.

471. When was the £8,000 invested in the new three per cent stock?—The order of the finance committee to buy it was made on the 9th February, 1877.

472. I find here that the Commissioners take credit for having paid Mr. Sharkey, for Parliamentary costs £1,357 7s. 4d., and then interest on those costs £54 17s. 9d.?—Yes, interest from the date of the judgment at four per cent. We had not money to pay him till we borrowed the £1,760 from the Royal Exchange Insurance Company.

473. Mr. EXHAM.—Under what Act had the Commissioners power to raise that money to pay costs?—Under the Kingsdown Extension Act they have power to borrow £3,000, and the purposes to which it is to be applied are for any purpose the Commissioners may think proper.

474. Do you hold that under the Act of 1874, the Town Commissioners could borrow £1,760 on the rates, for the purpose of paying costs?—Of course my opinion would not be worth much, but I can give you Dr. Webb's opinion on the subject. There is no doubt about the money being applicable for that purpose. We took the opinion of Dr. Webb, and he said it was.

475. The money was borrowed to be applied to the purpose for which it was so borrowed, and yet according to your view, the whole £3,000 could be applied to paying costs. Is that so?—Yes; that is our opinion.

476. Mr. LAWLESS.—Was it borrowed for the purpose of paying costs under the opinion of Counsel?—Yes.

KINSEYER,
April 6, 1875.
Mr. Justice.

477. Was the balance of the £1,700 after paying Mr. Sherry's costs and interest applied to pay costs?—I said that £500 was applied to pay the costs of the Act.

478. Mr. EXHAN.—Instead of paying it out of the rates it is paid out of capital which is a very different thing!—It is really paid out of the rates.

479. No, it is not!—I may state that I was in London at the time, and this Act is the result of a compromise.

480. The Act of 1874!—Yes; the 22nd section. The clause was put in having it in view, that possibly Mr. Sherry would obtain costs; the £1,500 was certainly applied for the pipe laying of the transferred area and the extended township has the benefit of that £1,700, because the work necessary to be carried out there will be paid for out of the general rating of the township as extended.

481. I have a strong opinion that not a member of the committee who passed that clause of the Act had the slightest notion of the use that would be afterwards made of it, and certainly it was done most skilfully. If you have the power of spending it as you have done!—The promoters of the bill, who were the ratepayers of the transferred area were represented, and did not object to it.

482. Why is a sum of £117, agents' commission for obtaining £11,700, charged to the ratepayers?—I have no further explanation to give than the face of the account shows.

483. Is there any resolution of the Commissioners authorizing that payment to be made?—I know it is a very common thing for an ordinary harbour, but it is a very different thing in the case of a public body dealing with the public money. I want to know to whom it was paid!

Mr. BURKE.—I may say that I opposed it. I am one of those who gave a personal undertaking that if it was illegal they would pay it.

Mr. McEEVEY.—I also opposed it.

484. Mr. EXHAN (to Town Clerk).—Did you bring it under the notice of Mr. Flaxy?—Yes. He said it was a perfectly legal charge.

485. Then I can only say, and I am certain Mr. Lawless will agree with me, that though we have investigated the circumstances of many large towns, this is the first time we have heard of any commission being paid for loans!—We wrote to the Local Government Board on the subject, and they said (I can produce their letter) that they did not see anything illegal in it.

486. Mr. LAWLESS.—I quite agree with what Mr. Exhan has said, and I wish you to find the minute directing you to make this payment.

487. Mr. McEEVEY.—I object to another item which appears amongst the free costs. It is £400 for promoting the provisional order, which has not yet been granted or confirmed. It has not been issued by the Local Government Board, and of course has not been granted by Parliament.

488. Town Clerk.—At the meeting of the board on the 19th May, 1876. (Reads):—

"Read a letter from Mr. Lawless as to loans of £11,700 and £14,000, and copy of letter addressed, which has been forwarded to the Local Government Board, on the legality of paying one per cent commission to the agents negotiating the loans. Moved and seconded.—That should a reply in the affirmative be received from the Local Government Board as to the legality of paying one per cent commission, Mr. Lawless, and he is hereby instructed to complete negotiations for obtaining the loans of £11,700 and £14,000 on the terms already agreed upon by the board. Question put and carried."

At the subsequent meeting on May 30th:—

"Letter of 22nd Inst. from the Local Government Board as to the legality of the Commissioners paying one per cent. commission on the loans of £11,700 and £14,000."

489. Have you got that letter?—I must have handed it to the solicitor, showing him the legality of the proceeding.

490. To whom were the £96 costs paid?—To Messrs. Richards, solicitors to the Royal Exchange Company, including £10 to the local solicitors, Messrs. Anderson and Lee. We had to deal with an English company. I went to the various insurance companies in Dublin, but no one would lend us the money under five per cent. The chairman brought the matter before the board, and said he was in communication with brokers in Dublin, and would procure the money at four and a half per cent., they charging one per cent. commission; and it was with the view to saving the half per cent. on the money that they paid that comparatively small amount of one per cent.

491. There is one item of expense in connexion with the Provisional Order which I wish explained. It is "Fees of professional witnesses, £20 10s." Were these witnesses examined before the Local Government Board Inspector with regard to the Kingstown and Glasnevin drainage?—It did not affect either. There are two Provisional Orders. The original directed us to have two medical witnesses and two contractors examined before Mr. O'Brien, and these are their fees.

492. Do the Harbour Commissioners of Kingstown exercise any authority in Kingstown or levy any rate?—The Kingstown Harbour Commissioners are the trustees for the harbour, and take the boundary road along the harbour in their charge, but they do not levy any rate in the township; as to the tails of the harbour I do not know what they are.

493. Do the Town Commissioners receive any of them?—No. The Harbour Commissioners maintain the main road along by the sea. They water and sewerage it occasionally, but do not get any rates; we get rates there.

494. Do you mean the Crofton-road?—Yes, and part of the Sandymount Harbour-road which is in our township.

495. Do they lay a rate of any kind whatever within the municipal limits of the Kingstown township?—No.

496. Do the town Commissioners of Kingstown light that boundary road?—They light it partly; the Harbour Commissioners put up a few lamps there which they thought sufficient for their own purpose, but the rated inhabitants there applied for increased lighting and we gave them some additional lamps.

497. Will you look to your abstract of accounts—the last accounts passed before Mr. Flaxy. The total amount of rates as struck were £9,200 7s. 4d.—Yes.

498. Then there are arrears of rates from 1873 (including £5 10s. written off last year but since recovered), £32 17s. 7d.—Yes.

499. These are the two rates included—the improvement rate and the road rate?—Yes.

500. The amount of rates collected for the year, were £5,010 14s. 10d.—Yes.

501. The improvement rate of 1s. 6d. in the pound included 1d. in the pound water rates to the Dublin Corporation, and 5d. in the pound sinking fund rate, and interest on balance of the loan of £16,000; the road rate was also 1s. 6d. in the pound. Do those represent the entire rates levied in the year?—Yes; with the exception of the sewage rate; you will also find the Kingstown sewerage rate and the Rathgar district sewerage rate were each 1d. in the pound.

502. From the rates of that year there are exemptions for non-occupancy £140 9s. 4d. under the Town Improvement Act. Are those exemptions obtained in the manner mentioned here yesterday?—Yes; by means of declarations of non-occupancy.

503. There is another item of £50 3s. 2d. for bad debts, and persons rated but not liable?—Yes. It is only persons rated at the time we make the rates that are liable to pay them: it is only a personal liability.

If one person leaves a house and another person comes in we cannot recover from him.

504. Was there a balance in favour of the Commissioners at the beginning of the last financial year?—Yes, of £129 19s. 4d.

505. How much was the market tolls and rent?—£31 6s. 4d.; I said yesterday that the market yard was let for £30 a year; we have a clock there who weighs the hay and straw, and we charge certain tolls: the rent occurs in this way—£1 a week for the entrance house; £3 6s. a year for the stable, and 26s. a year for the month or six weeks that the surveyor occupies the little office.

506. By whom are those received?—I receive the 2s. a week and the tolls are received by the clock on the spot. He keeps a book in which he enters his receipts and I check the books. He lodges the money with me, and I lodge it in the bank. The 26s. and the £3 6s. are paid to me, and I lodge them in the bank.

507. What is that £30 6s. 4d. under the head "receipts for water services"?—Having laid the mains through the township we compel the householders to bring it into their houses; we have a schedule of prices for doing it and the amount referred to was made up in this way.

508. What is that item of £1 2s. received from Mr. Crosthwaite for asphalt materials?—Some between and limestone that he got from our store here. He said he would pay what was charged for it. That £1 2s. was the sum we charged for it, as made out by the town surveyor and stereoscopy, and he paid it.

509. Do you mean to say that he purchased these materials from the Commissioners?—Well, it was not quite a purchase; the person who was laying the asphalt at the time brought some of the materials to Mr. Crosthwaite's yard.

510. Did he, while Chairman of the Town Commissioners, direct any persons employed by them to apply any of the materials paid for by the Commissioners to his own private use?—It was reported here that certain asphaltic materials were taken from our yard to Mr. Crosthwaite's premises. The master was before the committee and dealt with by them as an irregularity, and a minute was made to the effect that care should be taken that such a thing should not occur again. I was then directed to get a valuation made of the materials, which was done, and the amount was paid by Mr. Crosthwaite.

511. Is that £1 2s. the account?—Yes. Previously Mr. Crosthwaite came to me and to the surveyor and said that he could not get these materials anywhere else, and that he would very much like to get them from us. I said to him "You had better come down to the committee next Wednesday, and you can arrange with them about it," but when the Commissioners met (six days afterwards), the materials had been taken away and used.

512. Did they get a report from the stockkeeper?—Yes.

513. Was it made to the committee before any action had been taken with regard to this matter?—Yes; that set the committee in motion.

514. Mr. EXHAM.—Who directed the stockkeeper to give those materials out?—I cannot answer you that as I don't know.

515. Has not the stockkeeper orders not to give anything out of the store without a written order from his superior?—He has.

516. Where is the store situated?—We use the yard attached to this building (town hall), as a store, and the market is also used partly as a store.

517. What is the name of the stockkeeper?—John Tomlinson.

518. What is he paid?—26s. a week.

519. Has he all the property of the Commissioners (as regards stores), under his care?—He has the entire charge of the stock of the Commissioners.

520. Is he bound to keep a proper account of the stock, and also of the consumption?—Yes; of the

receipts and disbursements—the stores received and delivered.

521. Delivered out by him?—Yes.

522. Who tests the accuracy of his accounts?—Do you?—They used to be submitted to the committee. I have not checked his books for some time.

523. Are they ever laid before any committee now?—Yes; before the road committee. I think I stated already that I check his book of tolls weekly.

524. That is a different thing altogether. I am asking about the materials—the property of the Commissioners.

Mr. ALFRED SOY.—There used to be a store-book kept.

The Town Clerk.—And there is one kept now.

525. Mr. EXHAM (to the Town Clerk).—Are there any regulations or rules with respect to the conduct of the stockkeepers?—No.

526. When was that book last brought before the committee?—In the commencement of the year 1873. The reason there is no great necessity for it is that all these materials that go out to be used for public purposes must be checked by the surveyor who is in weekly communication with the road committees. The surveyor is held responsible for all these goods.

527. Mr. LAWLER.—Will you look to the credit side of the Commissioners' cash account. I presume you are acquainted with the particulars of all these accounts?—Yes.

528. Were those items of expenditure actually made in the course of the year?—Yes.

529. And do these items in the expenditure side of the account represent the entire expenditure of the Commissioners as such during that year?—Yes.

530. Mr. EXHAM.—You say that some of that £16,000 was taken to pay costs?—Yes.

531. Do you strike a separate rate here for the payment of costs?—Yes.

532. By what authority did you take any of that £16,000 to pay costs?—By the costs clause of the Act of 1869.

533. Did you strike a rate here—a regular rate—for a number of years for the purpose of paying these costs?—Yes. The cost of the Act of 1869 is laid at 2d. in the pound, I believe.

534. And have not to be paid out of the £16,000?—No. We pay that by annual instalments which require that rate.

535. Where is that rate in the balance-sheet?—The improvement rate is divided, and it is part of the improvement rate. Of that 2d. in the pound sinking fund rate, which you will see in the account, 3d. is for the water rate, and the remaining 2d. is for the costs.

536. What does 2d. in the pound amount to?—45/-; and it is only redeemable each year by a few pounds—£7 10s. The nearest rate you could make to pay that is 2d. 1—As soon as it comes nearer 1d. than 2d. I'll make it 1d.

537. How do you get your tailings, and stones and sand for repairing the roads; is it got by contract?—Yes.

538. I see here the following minute. (Roads)—

"The surveyor was directed to request Mr. Sutcliffe to tender for 250 tons, and also for 500 tons of each of three kinds of material proposed to be supplied by him, namely, broken stones, sand, and building."

He was the only person in this part of the country who could supply us with these articles.

539. Was there any advertisement published inviting tenders?—We have advertised for road material from time to time.

540. Did you on this occasion?—I do not think there was; hearing the minutes read I should say there was not.

541. Do you state that there was no other person willing to tender?—I am aware there was no other person could supply them.

542. Is it a usual thing for the Commissioners to request a man to send in a tender?—In order to know the exact circumstances of such a matter as this, one

KIRKLEES.

April 2, 1887.

Mr. EXHAM:

Answered.
April 6, 1871.
Mr. Sexton.

must have local knowledge, and I know there was no other person ready to supply us. Knowing that he had the materials, and that we could get them from no one else, that resolution, which in fact simply meant for me to get from him the price at which he would supply us, was passed by the Commissioners.

543. Do you know did he send in a tender?—I believe he did. It is now some two or three years ago.

Mr. McNeely.—Patrick Byrnes and another person applied for liberty to deliver a quantity of broken stone, but in consequence of Mr. Sexton's tender it was not accepted.

544. Town Clerk.—Mr. Sexton's tender was accepted, because it was the lowest. The resolution says for me to ask Mr. Sexton to send in tenders, to be submitted to the next monthly meeting.

545. Did those other men ask to send in tenders, and were they not allowed to do so because Mr. Sexton's tender was received?—Yes, and dealt with. The resolution directing me to ask him to tender was passed on the 8th April, 1874. Here is another resolution passed at the meeting on the 16th April, at which the monthly report of that committee was read—

"Moved and seconded that Mr. Sexton's tender, now read, is supply broken stones at £1 2s. per ton, and tiling, and sand at £1 3s. per ton, to be accepted, and that 500 tons of broken stones and 200 tons of tiling, and 250 tons of sand, be selected. Put and carried."

And the tenders of the other persons came in at a subsequent date.

546. Are the materials supplied ever since on that tender?—Mr. Sexton stated at the beginning of this year that he could not supply them any longer. I therefore advertised a few weeks ago asking contractors to send in tenders.

547. Mr. Lawless.—Does it not appear from what you now say that Mr. Sexton's contract was not accepted, because it was the lowest. I thought you said it was accepted for that reason?—No; I said it was the lowest that had come before the Commissioners.

548. Surely there was no competition at all; were these say tenders in previous to the 8th?—No, there were not.

549. And on the 16th Mr. Sexton's tender was adopted by the Board?—Yes.

550. I thought you said it was accepted because it was the lowest?—No; there were no other tenders before the Board. It was on April 22nd that the other persons appeared. They were persons having a very small stock of materials to dispose of; for instance, P. Byrnes applied to deliver forty tons of stones at £1 4s. per ton.

551. Mr. Sexton.—Are there not plenty of people in the country having stones to dispose of?—No; there is none to be got from anyone else except a few odd tons here and there.

552. Was there a contract for Bray Head stone? What was that contract?—It was a contract with Mr. Worthington. The limestone, sand and tiling that we got from Mr. Sexton is suitable for roads on which there is not much traffic, but for several of the main streets on which there is a great deal, we have to procure hard stone—Shankill or Bray Head stone, and we found it was much cheaper to get Bray Head stone.

553. Were tenders invited for supplying that stone?—There are only two kinds of hard stone we could get. I am not sure whether tenders were invited at that time or not—my recollection of the matter is that I wrote to the parties who could supply us with hard stone—the Bray Head tender was the lowest, and we accepted it.

554. Who was the owner of the Shankill quarry?—Mr. Steerwright.

555. How much was the Bray Head stone per ton? £1 4s. per ton.

556. Is there any resolution on the books that the surveyor is to write to these parties to see at what price they will supply the stone, and is there a resolu-

tion that it is to be put up to tender?—The railway company were supplying the stones, but they disposed of their interest to Mr. Worthington, and then he supplied them.

557. Is there but one quarry at Bray Head?—That is all—only one.

558. In fact we are to take it, these contracts were entered into with Mr. Sexton and Mr. Worthington without having been advertised at all?—I do not believe they were advertised. I know we did publish advertisements from time to time, but I cannot say in these particular instances.

559. Mr. Lawless.—I see you have a market, and it appears to be a losing concern?—No; the market clerk you will see is also our stonemason, and has charge of the materials used by the Commissioners, and a very great quantity comes from the stones in the market every year. What you have there in the market would be for sale or rent, or something extra.

560. I see that the entire expenditure on the market for the year is £104 5s. 3d., including the £65 salary to the market clerk, who is also stonemason. Deducting that £65 altogether would leave the expenditure on the market £40, and against that you only received £51 4s. 6d. —You may add £5 8s. to that for the stable which is a part of the market.

561. What is your sanitary staff in the township, independent of the sub-sanitary officer, the sanitary officer, and so on?—How is the scavenging of the town performed?—It is done by a staff of workmen.

562. What does that staff consist of?—We have now six horses; we bought two additional during the year. We found that owing to the extension of the township we required more horses.

563. What is the number of your sanitary staff?—We have fifteen men, who are employed at scavenging, road-making, and so on; and we have six carriages, so that we have a staff of twenty-one altogether.

564. And their duty is to look after the scavenging of the town in addition to the road-making?—They do everything with respect to the maintenance of the roads in the township.

565. What is done with the manure?—We have no manure except what is made in the stables. We were very glad to get leave from the Board of Works to use it for filling up purposes. It is not fit for anything else.

566. Is there any collection of manure in the town?—No; we do not collect the manure; we collect the street sweepings. If we get a depot and fill it up it would be a nuisance.

567. Is it not a nuisance when pitched into a hole, the way you say you are allowed to do?—There has been no complaint of any nuisance arising from it.

568. Do you say that this stuff is not very valuable?—There might be some of it worth selling. I believe that in parts of the township, at a considerable distance from the quarry I referred to, some parties gave the carriers who collect the sweepings leave, and they carried it into the fields of these parties, in the neighbourhood of the township.

569. Did the carriers get paid for doing that?—No; there is no payment given to them.

570. Have there ever been complaints made of your officers selling the manure?—On one or two occasions we heard of its being purchased at £1 or £2. a load, but we could never trace it. I asked one or two gentlemen myself with whom I was acquainted, who had got some of this stuff thrown onto their grounds, did they ever pay the man anything, and they said they never did. I have no doubt that if the man got £2. a load for bringing it to any particular person, they would do so.

571. Who is the person in charge of the scavenging staff?—The foreman, who is paid £4s. a week is immediately over them, and he is directly under the control of the town surveyor.

572. Who gives directions as to where the men are to deposit this stuff?—The town surveyor.

573. Is it the foreman or the town surveyor does it?

—The town surveyor will be best able to tell you that himself.

574. Mr. EXHAW.—Could you not sell it as they do in other places, and make money of it?—In one way it might turn out a loss; under the present arrangement it requires fewer men and horses. If we had to cart away the manure I believe it would certainly show a decided loss.

575. Are there any people living close to the hole into which you throw the sweepings?—It is a very wide place, and the part where we empty it is very near the sea, so that no nuisance can arise from it.

576. Where is it situated?—It is close to the baths; the railway runs near it. I do not think the farmers would take the manure from you unless you paid them for doing it.

577. Is the scavenging of the township satisfactory done in your opinion?—Well, really I think we have one of the cleanest towns that I know of.

578. Does the sanitary officer make weekly reports to you with regard to the sanitary condition of the town?—He does to the Commissioners, sitting as the urban sanitary authority.

579. Is there a sanitary committee?—The full Board is the sanitary committee.

580. Do they meet only once a month?—The full Board meets on an average, three times in a month. The present working of the Sanitary Act is most defective, owing to the roundabout system. First of all the inspectors make daily inspections; they find out where nuisances exist, and in some cases when they tell the person to have abated it is done at once. In other cases when it is not done, they must fill up notices and serve them on the medical sanitary officer, who on receipt thereof fills up their reports, and make recommendations to the Commissioners. The Commissioners take action on the doctor's report; and then the master goes back to the sub-sanitary officer again, and he serves another notice on the person to abate the nuisance. If he still refuses or neglects to comply with the terms of the notice a summons is taken out and served upon him; he then is brought into Court and a magistrate's order is obtained, and then of course after that there must be a warrant. It is a very roundabout way. If the master came before us at once we could get it set right sooner.

581. Have you got one of the forms recommended by the Local Government Board?—I have.

582. Have you any book in which the sanitary officer's report is entered with the order made by the Board thereon; and a column showing if the notice has been served, and if so, whether it has been complied with or not?—We never got such a book since the adoption of the Public Health Act. We had something of the sort before then. Mr. Robinson appeared to be satisfied with the way in which we were getting on.

MR. FRANCIS A. DODGE EXAMINED.

583. Mr. LAWLESS.—Are you the town surveyor of this township?—I am.

584. How long have you been town surveyor here?—Since last April, 1868.

585. Are you a civil engineer?—I am.

586. What are your duties?—They are those laid down by the Commissioners, which you heard read yesterday. (See question 594.)

587. Is that what you are required by the Board to do and not your own idea of your duties?—Yes.

588. Is it not part of your duty from time to time to see that the scavenging of the township is properly done?—Certainly.

589. Mr. EXHAW.—What was your salary when you were first appointed?—£140.

590. And now it is £250.—Yes.

591. When you were appointed, was there any well-defined sewerage plan for the town?—No. They had employed Mr. Pallas, and he had prepared plans of the sewers.

593. The Report goes in this form—“An sub-sanitary officer I hereby report that I have inspected a certain privy, and find it to be in a filthy state, and I recommend same to be cleansed.” In other places we found that a copy of that was entered in the book. Is that done here? I do not find in your book any record to show that any case of complaint was dealt with in any particular way. You, I believe, are the executive sanitary officer?—Yes; I receive all these reports, and submit them to the meeting of the committee, and send copies of them to the Local Government Board.

594. If the sub-sanitary officer sees the work carried out effectively, has he any executive sanitary officer anything to do?—Yes; I have to sign all the recommendations. The sub-sanitary officer do all the outside work. In all cases of important summonses, such for instance, as cases of milk adulteration, I intend at the police court to conduct the case.

595. Is Albert-road a good part of the town? Is it a respectable place?—There are a lot of small houses about it.

596. What sort of a place is Sandycore-road?—The road itself is a pretty good one, but there are a good many small houses off it.

597. Has there been a house-to-house inspection here, to see if the houses have privies and seepage, and branch drains connecting them with the main sewer?—Undoubtedly, that is being done.

598. When was it done?—It is being done now, and it is always being done.

599. Under the Act you are the urban sanitary authority?—Yes; I believe that year after year you will find work done under the Public Health Act, but it is not to be supposed that in two or three years so much work could be done as to render it unnecessary to do any more.

600. There is one gentleman reported on the 10th and 13th of March, as providing no privies for the use of his tenants; and here is a report that Messrs. Phillips' premises have no connection with the main sewer?—A main sewer was lately made there, and when we constructed a main sewer we at once serve notices on the persons living there to connect with it.

601. Are you able to say that the 10th section of the Act of 1860 has been carried out here?—I am very well able to state that, because in one case where a main sewer was made we caused all the houses to be connected with it. There were something like seventy houses connected.

602. What is to be done about the houses in the rear of Islington, which I see referred to here?—I signed a notice, and it was served on the party; he got fourteen days, and the time is not expired yet. When the time is up if he has not done the work we will take proceedings against him.

Known to
April 6, 1872.
Mr. Exhaw.

Mr. Francis
A. Dodge.

603. Were these plans of Mr. Pallas ever carried out?—No.

604. Have you ever made any sewers since you were appointed?—Oh, yes; a large amount of sewerage.

605. Have you made them on plans giving an outlet?—We have several outlets for the sewerage at the present moment.

606. Where is the principal outlet?—The principal outlet is at the West Pier; and then we have another at the East Pier. We have the Glastonbury river, and we have several openings in the foreshore towards Sandycore Harbour, eventually ending at Bullock Harbour.

607. Were these made by you?—No; they were not.

608. Were there connecting sewers made by you?—No. We have applied for powers to make intercepting sewers.

609. Did you make any sewer down at Sandycore Harbour?—Yes.

KINSEYERS,
April 6, 1872.

Mr. FREDERICK
A. DYE.

603. Was that the drainage of a large district or small?—Very small.

610. Is that never in the condition now it was in originally?—It has been broken up very much by the late rains.

611. Was the Glasnevin river sewer made by you?—Yes. It is in the same condition; portion has been very much damaged by the late gales.

612. Do you examine the storekeeper's books or stores?—The storekeeper's books come before me when we are taking stock, and as a general rule, they are submitted to me; but I do not take on myself to be a storekeeper.

613. Who gives orders to the storekeeper for materials?—The orders are generally lodged in this or the other yard. I have never given orders for anything to go out except the asphalt. Our town clerk issues orders for other materials.

614. If any one of the men comes in with a cart, does he get whatever he asks for without any dock?—Oh, yes, so far as need materials; he just tells the storekeeper.

615. Is his word taken for it?—Yes.

616. Do you mean to say that if any of the carters goes and asks for a load of stuff he will get it without any further trouble?—I do not give any of it out.

617. Suppose a man wants a load of gravel—is gravel kept in store?—We have both sand, gravel, and clock stone.

618. Has any carrier liberty to fill what he likes into his cart and carry it away?—The carrier is responsible to the head manager, and he is to put it on the road.

619. Mr. LAWRENCE.—Does the storekeeper keep an account of the material that goes out from the yard?—He does.

620. Mr. ELLIOTT.—Have you been consulted about the contracts for the stones, &c.?—Oh, yes.

621. Do you make reports as to the quality of them?—From time to time—at committee meetings.

622. Are they favourable or the reverse?—I make monthly reports showing the quantity of stone given out.

623. If the Commissioners want a quantity of stones, are you consulted by them as to the quality of the stones?—Yes, I am.

624. Are you consulted as to the price?—Well, the prices they generally decide on themselves.

625. You said you had the asphalt under your own charge?—Oh, no; I said I did not give any order for anything to go out but the asphalt.

626. Does the storekeeper who has the asphalt in charge give it out except on your orders?—He does not.

627. Did you give an order for this small quantity for Mr. Crosskwaite?—I did not.

628. Did you get any return of its having been taken?—Yes; from the storekeeper, I think, next day. In fact he was not aware the staff was going in that direction until the man told him.

629. Who was the man who carried it away?—He was one of our regular staff.

630. Was it taken in one of your own carts?—Yes.

631. How many loads went out?—A few hundred-weight.

632. Have you broken up some of that asphalt from time to time?—Occasionally.

633. Has any of that, do you know, been taken by people?—Not that I know of.

634. Is it worth mashing?—Oh, yes; if it is pure "rock" asphalt you can boil it over again and lay it down.

635. I allude to some of the old asphalt?—Possibly I may have allowed some of that to be taken.

636. Have there been complaints made from time to time before the Commissioners about you?—Oh, frequently.

637. Were those complaints investigated by the commissioners from time to time?—They were investigated fully.

638. What was done with respect to those complaints?—Really, I do not know—more than that I got an increase of salary.

639. Was there any complaint made against you for certifying for stones being delivered in when in point of fact they were not delivered in?—No.

640. Hydram stones for instance?—No, I think not.

641. Was there any investigation by the Commissioners in June, 1871, about a thing of this kind?—There may have been about the quality of stones; but nothing that I remember about the rock. There was a difference about the material to be selected for hydram stones. The material was to be Dalkey granite; some portion of the stones turned out to be not Dalkey granite, and on an investigation the Commissioners got a reduction in the price from the contractor.

642. Did you certify that the stones were Dalkey granite when they were not?—I did not. My certificate was thrown overboard, and the Commissioners paid the contractors without my certificate. I notice to say I never certified. The contract was paid by the commissioners for the time being.

643. Were the stones taken into store?—They were delivered on the ground.

644. Were they used?—Oh, certainly.

645. Were they accepted by you, and used by you as being those contracted for?—Certainly, with the understanding that the benefit of the reduction would be given to the Commissioners.

646. What was the contract?—The contract was for hydram stones of Dalkey granite, three feet square; and, in place of being Dalkey granite, some few were the mountain granite—an inferior kind of granite, for which the Commissioners got a reduction of £200.

647. Do you recollect Mr. Robinson's investigation in March, 1874?—Yes.

648. Did you then propose the plans to be submitted to him for the drainage?—I did.

649. Are they the same plans that were afterwards submitted to Mr. O'Brien?—No; totally different ones.

650. Were the plans submitted by you to Mr. Robinson adopted?—They were. We got the money to carry them out.

651. Have they been carried out in their entirety?—Yes.

652. Were they the plans for which the £8,000 and £5,000 were borrowed?—Yes.

653. With regard to the plans for which the £2,000 was borrowed, will all your plans be accepted for the £2,000?—Yes, with the exception of £10.

654. With regard to the Kingstown district, will they be accepted for the £8,000 or anything like it?—We have not yet tendered, but so far as we have gone I think the works are within my estimate.

655. Are not the tenders which were not accepted, nearly double your estimate?—Yes.

656. Can they be done, do you think?—Yes, I think I will be able to modify the plans.

657. But is it your opinion that the plans prepared by you and passed by Mr. Robinson can be done at your estimate?—Well, it is my opinion they can. Some portions of it may be necessary; but others will come in less, I think.

658. We understood from Mr. Eavis, yesterday, you could not carry out the plans in their entirety?—Whilst he meant was that we would have to go to the Local Government Board to borrow more money for the internal drainage.

659. I understand the reason you were not going to carry out what was to be done for the £8,000 was because you had not got tenders for that?—No; the reason we stopped was because the tenders were altogether larger than my estimate.

660. I see by the last report that contracts had been accepted for Malgrave and Royal terrace, Crosthwaite-park, and Tivoli-road, but not then started. Have those contracts been started?—In Malgrave-terrace we have started; Crosthwaite-park is not started, Royal-terrace is commenced, and we are just at Tivoli-terrace. The weather was against us.

661. Have the contracts for these places been raised than your estimate?—Yes.

661. How much of the £5,000 do they exhaust?—About £3,500.

662. Then you will have £4,500 more?—Yes, for Kingstown.

663. Do you think the £4,500 more will do the work for Kingstown?—I think I will be able to do it.

664. Is it correct to say that for Lower George's-street the lowest tender was £1,400, and your estimate was £1,754?—Yes.

665. Do you think you can get it done for £1,754?—I think we can get it done for sixty-five per cent. over it.

666. When was that tender sent in for the £1,400?—Last year I think—September or October.

667. Is it your experience that the prices are getting low, so as to enable the men to come down with their tenders, or are they getting higher?—The prices of some materials are lower; the price of bricks is highest. But men's wages are higher, and they do less work.

668. Do you still think you can do the sewerage for the estimate?—Yes; I think I will be able to make a saving for it.

669. A sewer; but will it be the sewer provided for in your specification?—Very nearly.

670. I ask you, can you get the work in your estimate done for £1,754?—Not without modifications.

671. I want to know, Mr. Doyle, do you propose to go to the Local Government Board to get them sanction for a "modification"?—I do not think it is necessary.

672. Have the Commissioners authorised you to modify the plans sent in to the Local Government Board Inspector, on the strength of which you get the money?—No; I intend to take upon myself the responsibility. You do not take the view I do of it perhaps. In designing these works here, for instance, out in the main street, we have got pipe stone in the street to see what is the class of material we will find. We find there is a quantity of rock, and that on examination, we need not have the sewer so deep as we originally intended, if I can modify the works. Again, down in Lower George's-street it was assumed by the contractor it was all rock, whereas it turned out to be a clay soil. We have had ten pits sunk all through, however, and we find the great majority of the soil is clay. I find I can lighten the work, and not have so much excavation. I believe these are modifications I can adopt.

673. The next contract, I find, is Mellifont-avenue and Lower George's-street. The tenders are £1,350, £1,450, and £1,480; and your estimate is £1,917. For Northumbrian-avenue the tenders were £2,000 and £2,000. Is that so?—Yes; in those cases I believe the tenders are excessive.

674. What is your estimate for "No. 3" sewer?—My estimate is £5,000 odd. We have no power to make that yet.

675. At the time you went before the Local Government Board, or their inspector, had you satisfied yourself as to the property of the works that you recommended to be done by actual test?—Of course, from my local knowledge; and without going into these test-pits, I arranged the plan as I thought best.

676. Did you consider the works you proposed to do would have been sufficient for the purpose that they were intended for—that is, for completely draining those ten districts?—Well, yes, at the time. It was decided not to go further than £10,000. In 1848 I made plans for internal drainage, which would cost £10,000. These went to the Local Government Board, and were approved of; and we would have got more, but afterwards we thought the £10,000 would be sufficient.

677. Will you be able to give us your plans as laid before Mr. Robinson and Mr. O'Brien. Of course you appreciated yourself that the levels were all correct, and that the same was the case with regard to Mr. O'Brien's plan?—Yes, I did, very carefully.

678. Have you put ventilators in the sewers that are constructed?—Yes.

679. Of what description?—There are several kinds.

680. How many are there laid on the Glengeary-road?—Three.

681. Is that quite sufficient?—Quite enough.

682. What is the length of the Glengeary-road?—From beginning to end about 3,000 and odd feet.

683. Well, that is a good long distance—over half a mile. Have you only three ventilators in that?—There will be, when it is completed, three good ventilators. It is going up a hill very fast, and even one good one at the top would be sufficient.

684. I suppose in the works you have contracted for that you have a quantity of pipe sewerage?—A good deal.

685. In your specifications did you take care to provide that these sewer-pipes were to be properly jointed with cement?—No, I do not; I do not believe in it.

686. How are they fastened together?—By stanching clay. I am born out in my opinion by Mr. Bowles, engineer to the Local Government Board in England.

687. What have you used in the construction of those sewers?—In the brick sewers the very best description of best county of Dublin grey stock bricks. We have been using in some parts of what we call culverts and man-holes some of the very best selected McCormack's bricks, which the builders here approve of, and which are equal to the best county Dublin bricks.

688. Did you inspect these bricks from day to day yourself?—Constantly.

689. Did you see there any bricks not properly burned, and broken ones?—Anything I do not approve of I order at once off the ground.

690. Did you see any bricks with the lime showing out through them?—I did not.

691. Mr. LAWRENCE.—Did you ever reject any?—I did.

692. Mr. EXHAC.—Do you undertake to say now there are no bricks in the new sewers that are not half burned?—I do.

693. Were there any broken bricks used?—Some were used—may have been used.

694. Do you consider a brick to be a good brick that has a quantity of lime that you can scrape with your finger?—No; in the grey stock bricks, however, you find cores of lime in the middle of them.

695. Do you call these good bricks?—No.

696. Did you see any you could scrape the limestone out of with your nail?—I did not.

697. Do you say none were used?—I do.

698. Did you see any small bricks used?—Some.

699. Did you see any broken bricks used among the smaller ones?—No.

700. Did you not tell me just now that broken bits of brick may have been used, and were used?—These may have been some, to block a joint.

701. Did you see heaps of these kind of bricks deposited?—Yes.

702. Did you see heaps of broken bits of brick among them?—Yes, they were taken away.

703. Did you see them used in the building of the arch?—No; they were not even allowed to remain on the ground.

704. Had you a clerk of works there to see they were not left on the ground?—Yes, an efficient and competent man.

705. You say there were bricks used which were not county Dublin bricks?—They are county Dublin bricks.

706. Are they what are known in the trade as the "best county Dublin grey stock bricks"?—No, they were not.

707. Do you recollect this in your own specification?—(reading):—

"All the bricks used must be the best county Dublin grey stock brick."

Were any used which were not of that quality?—There were.

708. Do you mean to say you reported to the Commissioners that they were not according to your specification?

Knowsley,
April 2, 1881.

Mr. REEDS
J. Doyle.

KINSAWNE.
April 6, 1876.
Mr. Justice
A. Doyle.

cation, and that they authorized you to accept them?—There were bricks used in what we call the cellars and man-holes of the pipe sewers in which a few McCormack's bricks were used, but not the specified brick. That was brought before the Commissioners, and I said they were as good as the specified bricks, and they were used.

710. Did you order the clerk of works to have the bricks removed?—No; I told him if the Commissioners rejected them to have them taken away.

711. Why were they not removed at once?—Oh, there is a latitude given to every man.

712. Mr. EHRAM reads:—

"No broken bricks or tiles to be brought on the ground, and all inferior or rejected bricks must be instantly carried away."

Did you allow any to be used contrary to that?—Some were.

713. Mr. LAWLESS.—Did the Commissioners give you any directions in the matter?—The Commissioners knew a good brick as well as anyone, and they were perfectly satisfied.

714. Did you approve these in your written report that bricks not according to the specification were used?—No, because I was here to make a verbal statement; and they submitted to those bricks being used. The inspector reported to the Commissioners that those bricks were inferior.

Witness (by the request of Mr. McEvoy) then read his report of October, 1876, in which he stated that some of the bricks supplied were Athy stock bricks which were in witness's opinion as good as any county Dublin bricks.

715. Is it a fact that Athy bricks and Bog-hall bricks are not as good as the best county Dublin grey stock bricks?—Oh, you are perfectly mistaken.

716. Is there any difference in the price?—Well, in Kingstown I do not think there is; and if there is, the Athy being smaller it sets against the contractor.

717. Mr. EHRAM.—Who was the contractor in regard to whom the report of the clerk of works of July 7th, was made?—I think that was in Tivoli-terrace. That was the building a man-hole. The contractor was Mr. Plock.

718. Have you any report made by that man as to the Glenagary-road, about seven weeks ago?—The best description of brick was brought there. An odd one may have escaped the best man in the world; but they were the best county Dublin grey stock bricks.

719. Are not the Bog-hall bricks always considered inferior?—You can select some remarkably good bricks amongst them. Some, if properly burned, turn out as good bricks as any in the world.

720. If you see in a brick a great quantity of white specks like lime, is not that a sign of a brick being bad?—Well, it shows there is some limestone in it.

721. Is not such a description of brick particularly bad for sewers; because I always understood the moment the water comes in the material begins to waste away?—Yes.

722. Did you ever see a quantity of these bricks yourself up there?—I did not.

723. Was there to be a vacant space behind the arches to be filled up?—No.

724. Because by the specification is it not provided that portion should be wedged with granite?—When there is defective ground or anything of that kind, we back it with rubble concrete, or may hard stuff to prevent it from spreading.

725. What I want to know is this:—Do you think it was a proper thing to put heavy moist earth in the vacant space behind parts of the sides of the arches? I find you provide—(reading from specification)—

"Any vacant space between to be filled up with concrete, &c., porous to the bricks being put in."

Witness.—I saw that, and we changed it. I have had a great deal of experience in this class of work, and this work you allude to is carried out remarkably well.

726. Well, I suppose you satisfied yourself with regard to the lime and mortar?—Yes.

727. Was it prepared just as you stipulated, and in the quantities?—I venture to say, there is as good material in these works as there is in Ireland.

728. Why was this struck out of the specification in the conditions of the contract?—

"The contractor to make provision for a clerk of works to be appointed by the town-surveyor at a salary not exceeding £6. a day, to be paid in such manner as the town surveyor may direct?"

When I came to this town first that was the specification. I proposed about the necessity of the Commissioners appointing a clerk of works. I put it in the specification that the Commissioners appoint a clerk of works, and that was done. There was objection made, and in consequence of that this clause has been struck out of every specification. I got this form printed originally.

729. Mr. LAWLESS.—Do the Commissioners now pay the clerk of works?—They do. They pay him two guineas a week.

730. Mr. EHRAM.—You know a place called Beechfort-terrace. Are you certain the pipes are connected with the main sewer there from the houses?—There is what we call a "saddle" left opposite each house, and all you have to do is to raise that saddle off when you want to lay a pipe. It amounts to the very same thing.

731. Do you mean to say that opposite Beechfort-terrace there is some nine-inch pipe built with Roman cement into the side wall of the sewer opposite the houses?—No; but there is an aperture left in the sewer pipe to have the house pipe connected to it.

732. Do you leave an offset from the sewer?—No, we leave what we call a "cover" opposite it.

733. Do you break a hole in it?—No, the cover is taken off. It is a patent. You lift the cover off, and then in the cover you make the aperture.

734. Mr. LAWLESS.—Is the working equally efficient?—Just the same.

735. Mr. EHRAM.—You stated that £290 was the amount for the drainage of Crosthwaite-park. Is it the case that in the works originally passed the drainage there was not contemplated or intended?—We did not then provide for the drainage of Crosthwaite-park. I did not consider it requisite.

736. Was it deliberately omitted by you at first?—Yes. After doing Tivoli-terrace we had £210 to spare. The sewers in Crosthwaite-park are running through private grounds. The owners objected to the making of sewers, because building was going on. Then the Commissioners thought the £210 we had from Tivoli-terrace might be devoted to the construction of the drains in Crosthwaite-park.

737. Did you not think the £210 might be applied to make the other sewers in the town which you considered to be so necessary?—There were no plans to make sewers in with that money.

738. Who suggested the change?—With my own ideas about it, and the money we had saved, I thought we might make the change.

739. Were there any complaints of the works originally planned not being made?—There were.

740. At what time were these plans made?—In 1873.

741. When did you change your mind?—Last year, when we found we had £210 to save.

742. Were you ordered by any resolution of the Commissioners to alter the plan?—I was not.

743. Mr. LAWLESS.—Did you suggest yourself to the Commissioners to change them?—I did; and I think it was perfectly right to do so.

744. Mr. EHRAM.—Did you do it in writing?—No, I did it in committee of the house, I think.

745. Mr. Ennis says, and writes solemnly to the Local Government Board, that you forgot to do the work at the time and asked the Board to be allowed to correct the plan in consequence?—I did not forget it.

746. Well, Mr. Ennis says that he was directed to make the statement?

Mr. Ennis.—I said that "overlook" would have been a better word.

747. MR. LAWLESS.—You used both words in your letter.

748. MR. EXHAM.—But now he says he did not overlook it, but that he did it deliberately.

MR. ENNIS.—In the meeting of the sewers and market committee, August 11th, 1876, you have—

"The town surveyor submitted plans and specifications of sewers for Crosthwaite Park drainage. It was moved by Mr. Edward Radin, seconded by Mr. Doyle, and resolved—'That the contract plans for the drainage of Crosthwaite Park be set and they are hereby approved of; and that tenders for the carrying out the works in accordance therewith be invited for to be submitted at next monthly meeting. Pet and service.'"

749. Who was the chairman?—Mr. Crosthwaite.

750. Who directed the town surveyor to make any plans for Crosthwaite Park?

MR. DOYLE.—I was directed certainly.

751. By whom?—MR. DOYLE.—It will be found on the books. I think if you go back to the sanitary part, Mr. Ennis, you will find there was some direction given in the matter.

752. You mentioned that your salary was at first £140. When was it raised?—It was raised to £300, I think when the waterworks were brought in, in 1870; and the last rise was in July, 1876. It is now £250.

753. MR. EXHAM (suggested by Mr. M'Evoy).—Had you known Milligan before he was appointed clerk of works?—I often saw him working in the streets, and I knew he was surveyor to the Building Society.

754. Did you know whether he had any experience in laying pipe sewers?—Very few have that; it is only a late introduction into this country. As to laying pipes in the street, I do not suppose he had.

755. Were you consulted as to his fitness?—I do not think I was. He was a local man known to every gentleman here. I think his qualifications were well known to everyone.

[MR. EXHAM then read Mr. Milligan's application for the appointment, which stated he was a stone-mason.]

756. MR. EXHAM (reading the application of another candidate):—

"Having seen your advertisement in the *British Times* for a clerk of works, I beg leave to offer myself in the same capacity. I acted as in laying the *Vauxhall* and *Merton* Embankments and Co."

(Signed), WILLIAM ANDREW COOPER."

So that this, at all events, would be a set-off against Mr. Milligan's local knowledge. There is another—

"I have been clerk of works for many years in the Royal Engineers Department, and I acted from 1861 until 1865, and proceeded to the Artillery department where I acted as engineer under a local surveyor."

(Signed), JOHN M'HAIRY, Clerk of Works,
"Royal Artillery, Engineers' Department."

Was your opinion asked as to the fitness of the candidates?—It was not; but there were some of the applicants that I would object to. There were some of them who would not know one hand from another.

757. Had you anything to say to the preparation of plans for the town hall?—Never.

758. Did you prepare plans different from Sir John Hawkshaw's?—I did, for the mainsewering and outfall sewer.

759. Which are to be carried out?—My plans are to be carried out.

760. Were you required to prepare them after Sir John Hawkshaw's had been given in?—No; I reported my plans to Sir John Hawkshaw. In 1870 Mr. M'Evoy employed Mr. Hassard. I and some others made a set of plans, and Sir John examined them. He recommended an independent set of plans of his own, having an intercepting outfall, and that the best plan would be to run the whole of the sewerage to the west pier of Kingstown harbour. We are not allowed to do that by the Board of Works. We get as much to it, however, as we can; we have put all the Kingstown

sewerage in that direction, and we propose to turn the Crosthwaite sewerage in the other direction.

761. MR. LAWLESS (reading from minutes).—I find that at a meeting of the full board, it was—

"Moved by Mr. Kelly, seconded by Mr. Doyle, and resolved.—That plans and specifications for sewers in Malgrave-street, Malgrave-square, Royal-square, Divil-road, and Crosthwaite-park be and are here referred to No. 1 Committee, to be examined, and when approved of, Committee is directed to tender for carrying out same. Tenders to be advertised for on next meeting."

That was on the 2nd of July. Is there any trace of the directions by which those plans and specifications were made?

MR. ENNIS.—From the reading of the minute it would appear merely that these plans were laid on the table in furtherance of the resolution.

762. MR. EXHAM.—You have certainly told us already, Mr. Doyle, that you got directions from the Commissioners to prepare these plans?—I am convinced I did.

763. Were they given in the board-room, or were written directions sent you?—It must have been in the board-room, I think.

764. Where is the order in the book?—(No answer).

MR. KELLY.—Since the time of the inquiry by Mr. Robinson a large number of houses have been built which require sewerage accommodation.

765. MR. EXHAM.—At the time your salary was raised was there a stipulation that you were to give your entire time to the Town Commissioners?—Yes.

766. Is there a resolution to that effect on the books?—Yes.

767. Do you consider yourself at liberty to accept a professional engagement out of Kingstown?—No.

768. Have you ever done work for any other town?—Oh, yes, for the Newagh Board of Guardians I did a considerable amount of work, but I did not do it without getting leave of absence.

MR. ENNIS.—In January, 1868, this resolution was passed in reference to the town surveyor:

"That the surveyor is not to hold any other public employment, or to undertake any contract without the special permission of the Board."

769. Is there any other resolution since that?—MR. ENNIS.—That was the resolution passed at his appointment, but there is nothing on the 12th June, 1872, as follows. MR. M'EVOWAY, chairman—

"On motion of the chairman, seconded by Mr. Doyle. Resolved—that, should the surveyor of this township undertake work other than that provided for by the Act of Parliament without the leave of the Board, it would be the duty of the Board to take the necessary steps for his removal from office." Passed unanimously."

770. Have you done any work besides the work you did in Newagh?—Yes, I have done waterworks in Letterkenny.

771. When were the Newagh works done?—They were finished last December.

772. How long were they going on?—About four months.

773. Did you prepare the plans?—Yes.

774. When were the Letterkenny works executed?—This time two years.

775. How often were you down in Letterkenny?—Only once.

776. Were you engaged in any other works besides the Newagh and Letterkenny?—Yes; I was employed about the Letterkenny railway.

777. Did you superintend the carrying out of the work?—No; I only prepared the plans and specifications.

778. MR. LAWLESS (to Mr. Ennis).—Is there any record of Mr. Doyle asking for leave to undertake those works?—No, only for leave of absence simply, without reference to anything.

779. Was it leave of absence to go to attend to other business elsewhere?—So far as application for leave of absence was concerned, it was for ordinary vacation.

780. MR. EXHAM (to witness).—Did you ever ask the Commissioners' leave to undertake these works?—No;

EVIDENCE.

April 6, 1873.

MR. FRANCIS
A. Doyle.

Kingsdown,
April 1, 1877.
—
Mr. Francis
A. Doyle.

I did not think it came within their scope. I thought anything not interfering with the legitimate office of the township, I had a right to do.

781. Mr. LAWLESS.—Can you undertake to say that those works in Newry and Letterkenny did not interfere with your work in the township?—They did not.

782. Mr. EXHAM.—Have there been many branch sewerage communications made with the houses?—A number.

783. Have they been done by the people themselves?—No, by the contractor.

784. Have you taken any part in it?—No; during the time the contractor has possession of the sewer he does not allow anyone else to connect with it. But he undertakes the work of constructing branch sewers on either side; if they require a connection he puts it in for them at a fixed schedule of prices.

785. Mr. EXHAM (suggested by Mr. M'FEELEY).—Are the householders given notice of this?—They are, in every case. They generally submit all these points to me.

786. Mr. LAWLESS (for Mr. PERIN).—Is that cut-off into Bullock harbour within the Kingstown township?—It is inside the Kingstown township.

787. Does it go into the Bullock township?—It does not; we claim that portion as ours.

788. Was there any dispute about it?—They were beginning to dispute about it, but they thought better of it.

789. Mr. EXHAM.—Can you give me the percentage of houses within 100 feet of the main sewers which are without connecting drains?—There are not many that I am aware of.

790. Mr. LAWLESS.—Not even some of the poorer houses?—Well, some of the poorer houses have no backs at all.

791. I believe there are some exceedingly poor houses in the centre of Kingstown?—Exceedingly poor.

792. Are these very badly provided with sewerage accommodation?—They are. The whole of these places should be levelled to the ground to make other arrangements.

793. Have you ever found any difficulty with the owners of property in Kingstown in getting works such as drainage done?—We find some difficulty to get in to make works, or to go there to examine.

794. Do the Commissioners generally show an anxiety to have these works prosper for the improvement of the town carried out?—Oh, I should say so.

795. Have you anything to do with the carrying out of the sanitary arrangements of the town?—I do not consider I have, beyond telling the contractors to go into the streets, lanes, and alleys occasionally; but the sewerage is not put under the head of "Sanitary work." You cannot keep the streets in repair without cleaning them. I wish to say there were a great many old sewers, when we commenced, doing duty very well; and since I came here we constructed about six miles of sewerage.

796. How many miles of sewerage do you calculate there are now?—There are eight miles of old sewer, and we have constructed since 1868 upwards of six miles. I calculate we have spent over £7,000 odd in their construction. The mileage of the town would be about twenty-two miles up the main streets.

797. Mr. LAWLESS (for Mr. Kelly).—How long do you consider will take to work out the plan?—I think in two years we ought to finish all. I mean that in two years we ought to spend all the money on the sewer that the Local Government Board have approved of.

798. Do you think Kingstown will be properly served when those are completed?—I do; but the township is increasing.

799. Mr. EXHAM.—In your estimate for the year ending December, 1875, you estimate for 500 tons of Bray Head stone, and you only used 212 tons or not one-half?—I cannot get sufficient number of men to break the Bray Head stone in the quantities I require, and then I have to fall back on the limestone.

800. (Suggested by Mr. Kelly).—Is there any other man could supply you with limestone within five or six miles of Kingstown except Mr. Weston?—There is nothing but what are called the Lansdowne quarries and we can only get one or two tons at a time.

Mr. Kelly.—With regard to the stone of Bray Head, it is of such a nature that we do not approve of it hitherto; and a committee has been appointed at the present moment to go to Howth and Greystones to look for stone.

Mr. Weston reads following minute:—

"April 2nd, Received.—That No. 5 Committee be instructed to spend £1 in inspecting the quarries in Howth, Greystones, and elsewhere, in order to enable them to report on the best quality of hard stone for modelling the roads."

A. Mr. John Henry here complained that the sewerage of eight houses in his district were at present in a "frightful" state, owing to there being no proper accommodation or sewerage, that the night soil was thrown on the open street, and was often left for a long time before it was removed by the carriers. Also, that he had reported to the sanitary officer at five o'clock yesterday evening that the sand was then lying there.

801. Mr. LAWLESS (to Mr. Henry).—To what sanitary officer?—To Mr. Craig, a very respectable man.

802. Has that occurred to your knowledge more than once?—It has. It lies against the opposite wall until it dashes off. These men do not collect the sand.

803. Mr. LAWLESS (to Mr. Evans).—Has this been made the subject of any complaint?—Of course, it has not come before us as yet.

804. Have these houses been ever made the subject of a report by any sanitary officer?—These houses are the property of two neighbours in dispute. I have got a notice from Mr. Henry to proceed against Mr. Long for nuisance.

The inquiry was then adjourned to the following morning.

APRIL 7, 1877.

Mr. FRANCIS A. DOYLE recalled

against you?—If Mr. Evans will refer to the book he can tell you.

810. Mr. LAWLESS.—Was there ever an application made to remove you from the office of town surveyor?—No; there was one to reduce my salary.

811. When was that?—I think it was in 1872.

Mr. M'FEELEY.—It was in November, 1871.

812. Mr. EXHAM (to WITNESS).—Was that application made to the Lord Lieutenant?—It was.

813. What was the result of it?—It fell through.

814. Mr. LAWLESS.—Was it an application made by the Commissioners as a body?—Yes.

815. Mr. EXHAM.—Was there a resolution of the

Commissioners to that effect carried either unanimously, or by a majority of the Commissioners!—It was carried by a small majority.

816. On what grounds was that resolution passed?—Really, I cannot remember exactly what it was.

817. Town Clerk.—Here is the record with respect to this matter:—(Reads from minute book):—

Report of the committee of Inquiry held before the Commissioners on the 15th August, 1871.

Members present: John Wimow (Chairman), Robert Henry Tilley, Robert Heron, Miles Kelly, and John Doyle.

To the Town Commissioners.

818. Town Commissioners having looked into the matter referred to above, report as follows:—First.—That on the 18th October, 1870, the surveyor certified that there was in the depot at Open's gate 200 tons stone, for which Mr. Neil received £20 standing on account. From the evidence submitted to us we are of opinion that a portion only of that quantity of stone was there, and the surveyor certified that Mr. Neil for the delivery of whatever was deficient. Second.—That on the 6th January, 1871, the surveyor certified for the delivery to the Commissioners at Moore's quarry of dressing blocks in the value of £5 10s. 8d., and on such certificate the amount was presented for payment, but was not then paid. It was again presented in February, when the surveyor was present without any information being given by him that the goods had been removed in the interval. From the evidence submitted to us we are of opinion that the full quantity of dressing blocks as certified for were not then at Moore's quarry when the account for them was submitted for payment; the record then in the surveyor's possession. Third.—That Messrs. Edwards contracted to supply hydraulic signs of Baskey granite, three feet six inches by three feet six inches in size, but substituted stones in the quantity set forth in the report of the inspector (one appointed by your committee and the other by the surveyor), which showed a difference in money value of £75 10s. 8d. on an account of £150 10s. 8d.!

818. Were those hydraulic stones?—Yes. (Continues reading report)—

The township only getting £750 expended debt instead of a total of £8,410. From the evidence submitted to us, we are of opinion that the surveyor did not report the substitution to the Board, or take any steps to prevent the losses of the township in the matter until the subject was brought under the consideration of the Board in February. Fourth.—That Messrs. Edwards did not repair the roads over the township in the name or on the account certified by them, which certified it was the duty of the surveyor to inform them. From the evidence submitted to us the committee, by a majority, have decided that it is not general in their satisfaction that the surveyor thus writes altogether against his duty. That year commencing in conclusion, by a majority, that under the circumstances the surveyor is not called upon to argue, but that he be severely censured and instructed that it will be impossible for the Board to enforce his in these services should anything of a like character occur again. We give him authority to have the payment tested by some competent persons. On the motion of Mr. McNaughey, supported by Mr. Doyle, it was resolved that the resolution contained in the last paragraph in the report, relative to the payment of £150 of the pipes laid, be referred to the road and water committee to have it carried out, and report the result to the full Board.

819. In consequence of that report, Mr. Doyle, I must ask you a question. I asked you yesterday was there a charge made against you of certifying these hydraulic stones, which were not delivered, and I understood you to say in reply that what was alleged was that the hydraulic stones were to be of a particular quality, and that the contractor substituted a different quality, and that the complaint was made against you for allowing that to be done. Why did you not tell us that the complaint was that you certified for stones that were not delivered at all—of any quality?—As a matter of fact, I never certified for them.

820. On this point we must have no mistake!—I objected to that report at the time.

821. The Commissioners had your explanation, but they appointed a committee to consider the matters of complaint. That committee had power to appoint an inspector, and one inspector was appointed by them, and one by you, and they measured and weighed the stones, and you gave it a return to the committee, who then reported to the Board. According to the calculation of the inspector the difference in value between the amount of stone delivered, and the amount that ought to have been delivered, was £75 10s. 8d., out of an account of £150 10s. 8d.

822. Mr. Myers Kelly.—I was one of the committee. The stone should have been three feet six inches square, but it was only three feet by two feet ten inches, and it was not Baskey granite.

823. Mr. LAWRENCE.—Certainly, Mr. Doyle, the impression you left on my mind yesterday was that the difference in the stone was quality, and not quantity.

824. Mr. EXHUM.—The report says that you certified for material not delivered at all. Then the report also says—

"The surveyor certified that there was in the depot at Open's gate 200 tons of stone, for which Mr. Neil received £20 as account. From the evidence submitted to us we are of opinion that a portion only of that quantity of stone was there, and the surveyor certified Mr. Neil for the delivery of whatever was deficient."

Do you wish now to offer any explanation about that?—I wish to be plain on my oath, and I will do so that the quantity of stones was there.

825. Mr. LAWRENCE.—You were not able to convince the committee that they were there!—That may be, but I will swear that they were there.

826. Mr. EXHUM.—The report goes on—

"On the 4th January, 1871, the surveyor certified for the delivery to the Commissioners at Moore's quarry of dressing blocks to the value of £5 10s. 8d., and on such certificate the account was presented for payment, but was not then paid."

It was again presented in February when you were present, and you did not say that the goods had been removed!—The stones were laid in the quarry. I measured them there. In the meantime the men cut off the quarry least a portion of the stone to Mr. Sexton's instruction, it is said; and when we went to see if they were there we found they were not. I did not know that they had been removed.

827. Do you say that your men left some of the stones to Mr. Sexton?—Yes. They were there when I went first to measure them, but were not there afterwards.

828. Do you mean to say that the removal of the stones took place without your knowledge?—Just so. I explained it at the time, and it would have been only fair for the committee to have taken that explanation down.

829. Mr. Kelly.—I was there and saw the stones measured. The committee did take down all the facts of the matter; what we found fault with was that a Bill was presented to us for stones that were not in the quarry.

Mr. Doyle.—I believe that the man left them there, but he was not paid, and thought he would not be paid, and he gave some of them to Mr. Sexton.

830. Mr. EXHUM.—I have to ask you (in consequence of a suggestion made to me) did you ever give any blocks belonging to the Commissioners to a gentleman named Lynch?—Not to my knowledge.

831. Nor to any other person?—No.

832. And, of course, if you never did you never get any money for them?—No.

833. Did you ever give any stone, or any paving stones to Mr. Tilley, of Glenagary?—No; he offered to buy them.

834. Did you ever give him any of them?—I think there was some given to him.

835. Who gave them; was he a Town Commissioner?—He was, he paid for them. They were paving stones taken off the paving when we were laying down asphalt, and we did not require them.

836. Was the payment for them made to you or to the Commissioners?—It was paid to me by a cheque which I handed to Mr. Tilley.

837. Mr. EXHUM (to the Town Clerk).—Do you remember getting that money from Mr. Doyle?—I do not remember, but I'll see if I can find any trace of it in the books.

838. Mr. LAWRENCE (to Wimow).—What was your salary at the time the committee made that report?—£250 a year.

839. To the Town Clerk.—Have you got the resolution with reference to the application to the Lord Lieutenant about the surveyor's salary?—Yes. (Reads):—

"At the meeting of the full Board on the 6th November, 1871; in the motion of Mr. Kelly, seconded by Mr. Doyle, it was resolved, That—That as the salary of the town surveyor was increased on the 1st April, 1870, from £160 to £200 per annum, an amount of the extra labour thrown upon him by the laying down of the

Esplanade, was

Mr. Doyle.

KINERROWNS,
April 7, 1877.
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A. Doyle.

man, and as the place have been sold, and the extra labour is now over it is hardly required that his salary be now reduced to the original amount—£140, and that the services of His Excellency the Lord Lieutenant be applied for, particularly as the work has not been done to the satisfaction of the Commissioners; residence paid, and judicial taxes, £100, and there was resolution was accordingly declared made.

The application was made to the Lord Lieutenant in consequence of the passing of that resolution, but they wrote back asking for the Commissioners' reasons for making the reduction, and the matter ended there. In the following January the constitution of the Board was changed—the majority became the minority—and they agreed to let bypasses be by-passes, and did not carry the matter further.

840. Mr. Neilly.—I, as a Commissioner, consider that the Lord Lieutenant should not have the power of veto on the appointment or dismissal of the town surveyor.

841. Mr. Kelly (Town Commissioner).—From my experience of surveyors, I may say that they never consider themselves our officers at all when we cannot dismiss them.

842. Mr. Lawrence.—We consider that to be a matter outside the scope of our inquiry.

843. Mr. Kelly.—There was an action taken against me by a surveyor for dismissing him.

844. Mr. Barrett.—There was an action taken against me for trying to dismiss him.

845. Mr. McEvoy.—It was mentioned that the last increase of salary took place in January, 1876. May I ask that the report of the committee to the full Board be read?

846. Town Clerk.—I find that in the years alluded to by Mr. Doyle, there is no record of such a sum being paid—the money from Mr. Tilley.

847. Mr. Doyle.—I paid it at all events.

848. Mr. Exham (to Mr. Doyle).—To whom?—I paid it to Mr. Ennis.

849. Town Clerk.—I do not see any credit for it in the miscellaneous accounts. This is the minute asked for by Mr. McEvoy. (Reads):

"May 9th, 1876.

"Meeting of the full Board.

"There was a report of the committee of the whole house respecting the postponement for the present of the consideration of the town surveyor's application for an increase of salary."

850. Mr. McEvoy.—The increase was given in the month of July. I would also ask to have read the notice of motion given by Mr. Kelly with regard to the increase of salary, soon after in March, 1876. Mr. Kelly and Mr. Lagan both handed in notices of motion. They were withdrawn on the 10th March, 1876, so they are not on the minutes, but I suppose they are amongst the notices of motion.

851. Mr. Kelly.—I voted for giving the increase of salary, and my reason was because of the increased duties.

852. Mr. Exham (to Mr. Doyle).—Do you recollect when it was that Mr. Tilley got those stones?—I really do not know, but I am perfectly confident that I got the money, and perfectly confident that I paid it to Mr. Ennis.

853. Did Mr. Tilley apply for the stones?—He did.

854. Mr. Crossan.—I recollect distinctly that there was a great quantity of that description of stone at the time, in consequence of our laying down the asphalt. Most of us thought it would not be for the advantage of the town to break them up for road material, and we sold as much of them as we could. The impression on my mind is that the money was paid by Mr. Doyle.

855. Mr. Lawrence (to Mr. Crossan).—Do you happen to know as a matter of fact that he paid it?—My recollection of the time is not quite clear, but I am perfectly satisfied that he did pay it.

856. Mr. McEvoy.—I do not think that Mr. Tilley was a Commissioner in 1870.

857. Town Clerk.—He was a Commissioner in 1871.

858. Mr. Exham (to Mr. Doyle).—Did you give a

receipt for the money to Mr. Tilley?—No; I do not think I did.

859. Did you get a receipt for it from Mr. Ennis?—No.

860. Town Clerk.—If I had got it I would have given a receipt.

861. Mr. Exham (to Mr. Doyle).—You say that no bill to you knowledge went to Mr. Lynch?—No.

862. During the time the Moses Education were the contractors for the waterworks, did you borrow or did they lend you any money?—Mr. Wiggin accommodated me at the time, and I paid him afterwards.

863. May I ask you how much he gave you?—I think it was £20 for a few months.

864. Was it a bill?—Yes.

865. Did he accept a bill to your draft?—Yes.

866. Was that during the time his firm were the contractors for carrying out the works for which you were to certify?—I am not sure whether it was during that time or not.

867. Mr. LAWRENCE.—Was that the only transaction of the kind you ever had with him?—That was all.

868. Mr. Exham.—Do you mean to say, you cannot remember in what year that took place—whether it was during the year you had to certify for the work?—I cannot say.

869. Were Messrs. Farnham the persons who supplied the stones for those hydrants?—Yes; they had a contract for it.

870. Were they the only contractors you ever got money from?—He was the only one.

871. Do you remember Mr. Halden?—I do.

872. Did you ever get any money from him?—He has drawn on us several times.

873. For what?—He is a friend of mine; he is not a contractor.

874. Was it for his own accommodation?—Yes.

875. Was he ever a contractor?—Yes, in 1871.

876. Was it at that time he drew on you?—No.

877. Was it before or after he was a contractor?—It was after.

878. While Mr. Sexton was a contractor, had you ever any money transactions with him?—Never.

879. Neither you with him, nor he with you?—No.

880. Or with the other Mr. Sexton?—There is only one Mr. Sexton.

881. Mr. Sexton.—I have a brother, but I am willing to make an affidavit that he has nothing to do with my contracts.

882. Town Clerk.—Mr. Sexton the Commissioner generally leaves the town when any question about a contract in which his brother is concerned is being discussed.

883. Mr. Exham (to Mr. Doyle).—I am further requested to ask you, whether you had had any money transactions with Mr. Sexton the Commissioner?—No; never.

884. Had you any with Mr. Sullivan?—I unfortunately did go security with him for some personal contracts.

885. Do you know contractors for the Town Commissioners?—Yes; some poor contractors.

886. Mr. Lawrence.—Who is Mr. Sullivan?—He is one of the Commissioners.

887. Mr. Exham.—Did you go security with Mr. Sullivan for Mr. John Brady?—Yes.

888. Was he at the time in your employment—in the employment of the Town Commissioners?—He was laying the asphalt for the Town Commissioners.

889. Had you the supervision of that work?—Yes.

890. Was he doing the work under your supervision?—Yes.

891. Was it to enable him to get material to carry out his contract that you went security for him?—Yes.

892. Did you do so more than once?—No; only on one occasion.

893. Have you ever lent money to, or gone security for any other contractor, or any other workmen, employed by the Town Commissioners, during your time as town surveyor?—No.

924. Did Mr. O'Brien refuse to adopt your plan as to No. 3 sewer?—He did not. The plan I recommended to the Local Government Board will be produced by the secretary.

925. Is there in the specification provision for branch drains?—Yes.

926. Do the contractors bind themselves to supply the branch drains at a certain fixed price for the owners of the houses which adjoin the sewer?—Yes.

927. Was any notice given by you, or by the Commissioners so far as you know, that such an arrangement existed with the contractors, namely, that they could make the drains at a certain fixed price?—No, there was not.

928. Was it mentioned that such a notice should be given?—No.

929. Was it not for the benefit of the householders that this arrangement was made, so that they should know how much they had a right to pay the contractor?—The contractor may refuse to do it at that price.

930. Mr. LAWRENCE.—Have you bound him by contract?—He could refuse to do the extra work.

931. If there was an old drain to a house were you not bound to make that good?—Yes; but there was no arrangement about new ones.

932. Was there not an agreement or understanding with the contractor about making connecting drains with the new sewer?—There was an understanding about laying twelve-inch pipes at house drains, and also nine-inch and six-inch.

933. Mr. EXHAK.—Was he bound to lay them at a fixed price?—Yes, if the parties adjoining the streets where the new main sewers are made wish to connect.

934. If they wish to connect?—Don't you know they are bound by the law to do it?—Yes.

935. Did you stipulate with the contractor that he was to make the connecting drains at a certain fixed price?—There was no notice of that kind given.

936. Are you aware that the contractor has been making beginings for constructing the connecting pipes in the streets?—Yes.

937. Did you not stipulate that the contractor was to carry the pipe to the bounds of the main wall at certain fixed prices?—Yes.

938. Did you apprise the householders of that fact?—No.

939. Were you directed by the Town Commissioners to apprise them of it?—I do not think I was.

940. You say you stipulated that the contractor should make them at a certain fixed price?—Yes, if we call upon the owners to do so.

941. What was the use of making that stipulation if you did not intend to call upon them?—It is no longer to have that provision made.

942. As town surveyor, are you acquainted with the provisions of the Public Health Act on this subject?—Yes, perfectly. Every house within 100 feet of the main sewer should be connected.

943. Town Clerk.—I said in my examination on the first day that when a new sewer is made we never notice on the parties to make connections.

944. Mr. EXHAK (to Mr. Doyle).—Under whose department does it come to look after the necessary arrangements in case of fire?—We have an old fire-engine here, but I may say I do not know in whose department it is, because we have no fire-brigade. We have a water inspector who, the moment a fire breaks out, rushes off with the hose, and with the great pressure of water we can command, it is not necessary to have a fire-engine. We have hydrants at a distance of every 240 feet apart.

945. Are they in all parts of the town?—We have nothing smaller than three-inch mains, and the hydrants are adapted for that. We have about 300 hydrants in the town.

946. Is the hose kept in good order?—It is in the very best of order.

947. Have you a fire-engine here?—We have not.

948. Do you know where the Commissioners ever applied to with regard to a fire-brigade?—By whom?

949. By anyone; and were they ever offered a site for the purpose of keeping one in?—Mr. Burton, the magistrate, recommended the Commissioners to get one. He addressed himself to me, and I referred him to the Commissioners, and it is now under consideration to provide a fire-engine. It was very uncertain what we could do with it. It was recommended that we should keep it at the police station. Another difficulty is that it would require trained hands to use it.

950. Mr. CROTHWAITE.—Mr. Burton said to me that he would give a place to keep it in, and that the police would take charge of it and work it. I brought the matter before the Board, but I am sorry to say did not meet with anything like fair support. If I had received sufficient support I would have been willing to pay one half of the cost myself, and if they do not agree to take action, I am not sure that I will not pay the whole of the cost of it.

951. Mr. LAWRENCE.—When was this communication with Mr. Burton?—I think within two months.

952. One would imagine that all parties would agree to this proposition?—If we get the least encouragement we will have no cost.

953. It is one of the obligations imposed on the Town Commissioners to provide a fire-brigade!—We should have one.

954. Mr. KELLY.—We have a very good fire-engine, so far as I believe are concerned.

955. Mr. DOYLE.—Most of the houses in Kingstown are very low—two story houses—some are three stories.

956. Mr. McEVOY.—During my chairmanship we discussed the whole matter, and Mr. Exhak will find our report. I never before heard that the police were available for this purpose.

957. Town Clerk.—On the 3rd July, 1872, there was a resolution passed on the motion of Mr. Crothwaite, seconded by Mr. Kelly, appointing a committee to see about the best means of procuring a fire-engine for the township, and where it was to be kept, and the following resolution was afterwards passed:—

—Resolved.—That the representation of the road and water committee relative to the procuring of a fire-engine be accepted, and that the district be referred to said committee to carry out, and also to inquire into the quantity of hose purchased by the Board during the past two years, and if such quantity be now in stock. Passed.

In the following year when making out the estimates, the question of the fire-engine was before the Board, but as it involved an additional £10 on the rates, nothing was done.

958. Mr. McEVOY.—I may mention that I got the assistance of Captain Shaw, of London, and I never heard that the police were available for this purpose. The result of our investigation was that I came to the opinion the best way would be for Kingstown to join the other townships with the city of Dublin and have a general rate levied over the entire district, and one fire establishment for the entire metropolitan district.

959. Town Clerk.—Our staff work the hose, and as we have water at a very high pressure, we can put out fire without employing any additional labour, and there is a well-trained fire-brigade on board H.M.R. Fire-Boat, which is available in case of fire.

960. Mr. EXHAK (to Mr. Doyle).—Did Mr. O'Brien report in favour of any of the plans?—Yes, of No. 1 and No. 3.

961. Mr. LAWRENCE.—You mentioned yesterday that you thought these estimates would be reduced to a certain extent; that the work could be done for something less?—Yes, I thought so.

962. Would the excess of the work be reduced in this way?—by making higher levels than was originally contemplated?—Yes.

963. Would that alteration not alter the character and efficiency of the sewer altogether?—No, not if the sewer will stand that.

964. Do you mean to say, as a matter of course, that the sewer will be quite as efficient?—It may not das-

KINGSTOWN,
APRIL, 1873.
—
Mr. FENNEL
A. Doyle.

KINSAWRAH,
April 1, 1897.

Mr. Francis
A. Doyle.

charge the sewage equally fast, but it will give you as efficient a sewer as is necessary.

934. Mr. EXHAM.—It won't give you the contemplated sewer. Your plan showed a sewer of a certain size and formation, and you get your money for making it so. Surely you do not mean to say now, that having got the money you will go and alter these plans and levels?—It will do as well.

935. Have you ascertained whether the basement story of every house along the line of the sewer will allow you to make the alteration? If there is one that won't, will not the whole thing be spoiled?—Yes; I have.

936. The sewer was intended to be ten feet deep, I think?—Yes.

937. Did you take the levels and so on of the houses and places before you made your plans?—Yes.

938. Can you now say that you will be able to make the new sewer do the drainage work as well at two feet less depth?—Not quite two feet.

939. Why then did you suggest the greater depth—why did you contemplate making a sewer ten feet deep, if eight feet or a little more will do as well? Was not the extra excavation money thrown away?—No man going into work of this kind knows what he can do, and my mind or any other man's mind may be changed. The surveyor in the world might do that.

940. One of your means then of diminishing the estimate is by altering the levels of the sewer?—Yes.

941. Is it not possible that that alteration may destroy the efficiency of the entire or some of the work?—No; it is not.

942. To any extent?—No.

943. Supposing you find the level is not sufficient and that it won't work on eight feet, will its efficiency not be destroyed?—If the basements are only eight feet and I raise it one foot, I won't destroy the efficiency.

944. At the time you applied for the provisional order with respect to these sewers, did not the petitioners undertake to "make and maintain according to the levels shown on the mid plan" (that is the plan laid before Mr. Robinson), the sewer herein described?—Yes; and Mr. Robinson looked at the plans.

945. Were any levels shown on the plans?—Not one. There was no engineering evidence at all brought before Mr. Robinson. (Copy of plan produced.) That plan was lodged in the Local Government Board offices, and there are no levels on it.

946. Was there a different plan lodged with Mr. O'Brien?—Yes, of course there was.

947. Do you state that when the provisional order was made in 1875, there were no levels shown on the plan submitted to the Local Government Inspector?—I do.

948. Is it your opinion that you may construct the sewers at any levels you like?—Yes.

949. Mr. John Henry (a ratepayer) stated that Mr. McEvoy received a report as to the wrong levels of one of the sewers, and that as Chairman of the Board he made it a Board question. Mr. Henry asked to know what steps were taken by Mr. McEvoy to ascertain the fact as to the report.

950. Mr. LAWLESS (to the Town Clerk).—Was there a report made about the defective (level) of the sewer in George's Street in 1875?—There was, and the result of the matter at the time alluded to was that the Commissioners went into the matter, and decided against Brady's objection.

951. Mr. EXHAM (to Mr. Doyle).—Have you any levels?—There were levels taken.

952. Are the levels shown on the plan?—They are never shown on the plan.

953. Are there any sections shown?—I do not think there are.

Mr. ANNEAL.—The plans lay for two months—the time required by law—on the table in the board-room.

954. Mr. EXHAM.—Yes; and Mr. Doyle says he cannot carry out those plans, but will carry out new ones. You could not get the sanction of the Local Government Board till the ratepayers had two months to inspect them. The ratepayers saw the plans repre-

senting certain sewers to be made, and the Local Government Inspector made his report thereon and then the sanction is given on the guarantee that those very plans would be carried out. No objection was raised, because the ratepayers were satisfied, and for all to be right, but the surveyor new says he cannot carry out the plans, but will carry out new ones through a mistake of fact they were never before the ratepayers.

Mr. Doyle.—There are always certain limits of deviation; you can always raise or lower the levels.

955. Mr. EXHAM.—A complete system of drainage being required, the Commissioners required their surveyor to prepare plans dividing the town into sewage districts, showing the work necessary to be done in each district. The plans were prepared, and the Act of Parliament goes on to say that "whereas the sum of £30,000 will suffice to carry out the said works shown on the plan for Kingstown, and £2,000 for the works for Clontarf," and the Commissioners are given the power to raise this sum of money to carry out those works which are to be performed according to "said plan"; how long did Mr. Robinson sit at the Inquiry?

Mr. ANNEAL.—He sat here in the board-room, and to the best of my recollection he finished in the one day.

956. To Mr. Doyle.—Were levels shown on the plans; were you must have had some plans before Mr. Robinson, showing the levels at which you proposed to make the sewers?—I had not.

957. Do you mean to inform us that Mr. Robinson was not shown any plans with the levels of the proposed sewers on them?—He was not; he may have been shown sections, but I am not positive that he was.

958. Will you say that he was not?—I will not.

959. Don't you know that before he was sent down here all you must have had plans lying here on the table—don't you know that?—I do not.

960. Didn't you hear Mr. Eakin say that the plans lay on the table for two months?—They were the plans I have shown you.

961. Do you tell me that you, the town surveyor, whose duty it was to make these plans—that you did not make them?—I did make them.

962. Where are they?—You have them there; I made them from time to time.

963. I am talking about the plans you showed to Mr. Robinson, and on the faith of which you got £10,000. (Plan showing sections of sewers proposed.)

964. How can you estimate the cost of the sewers without having previously taken all the levels and made your calculations in accordance with them?—You may make a bold estimate of it.

965. Does not the cost per yard depend greatly upon the depth?—It does.

966. Did you estimate the expense without calculating the depth?—I did not say that.

967. Is it not part of the duty of the Local Government Board's Inspector to calculate the amount that should necessarily be borrowed for making sewers?—It is.

968. How could he do that unless you had given him the depth (and area) of the proposed sewers?—(No answer.)

969. Do you now say, that there was not any plan submitted to the Local Government Board's Inspector, showing the levels at which the sewers were to be made for which you asked leave to borrow £10,000?—My impression is, that there was not.

970. To the Town Clerk.—I suppose you prepared the form of application to the Local Government Board?—No; it was our solicitor.

971. Were there any notes of the proceedings taken?—The Local Government Board must be satisfied that the requirements of the Act are complied with before they issue the warrant for the inquiry.

972. Was there a short-hand writer with the Commissioners?—Yes.

Mr. McEVY.—I wish to draw your attention to the very curious arrangement of these printed forms of tender, and to the large erasures in them.

973. Mr. EXHAM (to Mr. Doyle)—Were any of these alterations made by the contractors themselves?—They were.

974. By the persons tendering?—Yes; it was done when they were lying on the table, and they made their omissions.

975. Were any of these lying on the table altered in the way mentioned yesterday and were any unaltered?—Yes; I just loosened them and left them on the table with my original, and then this was done.

976. Were some of these printed forms which had been altered by you under the direction of the Commissioners left upon the table?—Some were left blank for the persons to fill in.

977. Were some left absolutely unaltered?—Were some altered and some unaltered?—Some were left just as they came from the printer. They took those coming from the printer, and altered them to suit themselves.

978. Who struck out the word "Portland" in this form (referring to "Portland Cement" in the printed form of tender)?—I do not know. I saw no harm in those two men coming in and filling them up themselves.

979. Mr. LAWRENCE.—These two men might have tendered on a different basis. Were those documents given to those men to tender or were they allowed to take them from the table?—They were left lying on the table and the men took them; since then I have prepared them as they ought to be.

980. Mr. EXHAM.—This is a contract for performing these works by Mr. Thomas Sexton, and he undertakes to construct the sewer in "accordance with the plans and specifications, and to the satisfaction of the town surveyor," and they are to be laid in a certain manner, the angle of inclination is to be shown, and so on?—Yes.

981. Then you had a plan giving this information?—Yes.

982. Does it show the levels?—Yes.

983. Then show it to me!—That is the contract plan.

984. Do you mean now to say that the plans were prepared when the Local Government Board passed the order?—Yes.

985. And you say they were prepared without showing any levels?—Yes, of course.

986. Am I to have it put down "of course"? Do you abide by that answer—that there were no levels shown on any plan before Mr. Robinson, the Local Government Board Inspector. You say "of course"!—Well, I cannot tax my memory.

987. But you said they were not shown "of course"?—I am not sure about it.

988. It appears to be a very curious thing why you should have them afterwards, and why you did not prepare them for the purpose of Mr. Robinson's inquiry!—If there were plans I can have them produced.

989. Will you show me the plans that lay on the table there for two months—that will settle the matter!—Here it is. (Plan produced.)

990. Mr. LAWRENCE.—Is this the only one?—That was the only plan that lay on the table.

991. Mr. EXHAM.—Will you show me the plan and section that you gave to each contractor?—Yes. (Contract plans produced.)

992. I want to know what those contract plans were prepared from?—From the large plan of the town.

993. Mr. LAWRENCE.—Are you prepared to say that that plan produced now was the only plan on the table here for the two months?—Yes.

994. Are you prepared to say that that is the only plan submitted to the Local Government Board's office?—Yes.

995. Was there any evidence given by you and by other engineers before Mr. Robinson with regard to the expense of the works?—Yes.

996. Did you explain to Mr. Robinson the basis on which your estimates were made?—Yes.

997. Fully?—Yes.

998. Then must you not have told him what the proposed levels were?—No.

999. How, then, did you give him the basis of your estimate?—(No answer.)

1000. Mr. EXHAM.—Do you know that this plan was left here on the table to be inspected by the public for two months, and that no one had any right to alter that plan?—(No answer.)

1001. Is it a fact that you afterwards altered the original map, and did not even put a mark on it to point out the plan as it originally stood?—I don't think there is anything wrong in that.

1002. Do you think it was an improper thing for you to do?—No, I do not; if I did I would not have done so.

1003. Mr. LAWRENCE.—Who else was concerned before Mr. Robinson?—Mr. Barnes, an engineer.

1004. Mr. EXHAM.—You heard Mr. Barnes' statement; did he call your attention to Tivoli Avenue, and actually propose to change the plan that lay on the table?—Do you mean to say that did not occur?—It may have.

1005. Did you hear Mr. Barnes say that your level was wrong, and that he asked you to make it right?—(No answer.)

1006. Do you say now that the proposed levels were produced before Mr. Robinson?—I think they were; but they were not lying on the table for two months; that I know.

1007. Is it not a part of your duty to look after refuse houses?—Not to look after them, but if I see them in a dangerous condition I generally serve notices.

1008. Do you ever inspect or get any of your men to inspect the condition of houses and make a report to you?—No.

1009. Do you know are there any houses here in a dangerous condition?—I do not think there are.

1010. Do you exercise any supervision over the building of houses?—Are plans submitted to you before you allow them to be built?—Plans are submitted in all cases, showing the line of street and the general elevation.

1011. Do you interfere to see that the arrangements for sewers are provided?—Yes.

1012. Do you exercise supervision over them in every case?—Yes.

1013. Have any houses been built, for instance, within the last year, or since the report of Mr. Robinson was made, adjoining the proposed new sewer?—Yes.

1014. Were any houses built since then adjoining these new sewers—that will be dependent on them for drainage?—Not exactly.

1015. Have any houses been built within 100 feet of the new sewers that were proposed to be made with the £3,000, or the £2,000?—Yes.

1016. Did you give them the levels, so that they might make their arrangements accordingly?—I did not give it to them.

1017. Do they ask for them?—In some cases there is no necessity for each independent house to make a sewer.

1018. That is not an answer to my question. Are there any houses now being built that will require to connect with these sewers?—Yes.

1019. Have the owners of those houses been called upon to connect with the new sewer?—Not yet.

1020. Have the persons building any of these houses that you say will require to connect with the proposed new sewers called upon you to give them the levels of those sewers?—Very often they have.

1021. And in such cases have you given them?—Yes.

1022. Have you given them the levels of the proposed sewers?—No.

1023. Don't they ask for them?—No.

1024. What do you do with the houses built in 1878, after the Local Government Board passed the plans?—There are very few of them built yet.

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April 17, 1881.

Mr. Frank
A. Doyle.

Kilkenny
April 1, 1893.
Mr. Frank
A. Doyle.

1033. Supposing that one of the builders of these houses asks you for the levels of these proposed sewers what will you give him?—I will give him the level of the bottom, and of the surface of the sewer.

1034. Is that ten feet or eight and a half feet?—At whatever level I propose to do the work at.

1035. What is that level—supposing I was going to build this moment?—Let me know where you are going to build and I'll tell you.

1036. Is it to be ten feet or eight and a half feet?—If you are going to build in George's street for instance I'll tell you the depth.

1037. Do the levels of the sewers vary in different places?—Yes, from five to sixteen feet deep.

1038. Supposing you give a level of ten feet as you originally planned, and the owner of the house carries his sewer to meet one at ten feet deep, and that you then raise the depth of your sewer, what would the owner of the house do then?—(No answer.)

1039. Mr. LAWLESS.—You have not given us any

idea of the time at which you propose to make these alterations?—It will come before the Commissioners.

1040. Did the Commissioners put down a sewer at Bruff-terrace, and had they to take it up again, and put down another?—Yes; there was a small pipe taken up.

1041. How many feet?—I think about thirty feet. We substituted a fifteen-inch pipe there.

Mr. PERRIN.—The sewer I speak of is upon premises belonging to Mr. O'Farrell. It collected the water to such an extent that I believe the water ran into the premises adjoining—that there was another pipe of larger capacity put down.

1042. Mr. EXHAM.—Was it necessary in making these changes to alter the levels?

Mr. Doyle.—Not the levels upon which we started.

Mr. PERRIN.—If the man who was building his house had been called upon to ascertain the proper level there would have been no necessity to make any change, and the surveyor ought to have seen that he carried it out properly.

Mr. EXHAM.

1043. Town Clerk.—I wish to correct one statement. You stated that in borrowing the sum for the town hall and court house before it was required there was a loss to the ratepayers of £300 per annum. That is wrong. Taking £350, the interest on the capital, plus the interest, £360, at four and a half per cent. on the loans, will give you a balance of only £110.

1044. You say that the loss to the town instead of being £360 is only £110 a year?—Yes.

1045. Mr. EXHAM.—You recollect the Act of 1861. There is a clause in that Act for the retirement of the secretary and Grand Jury overseer-collector?—Yes.

1046. Am I right in saying that the secretary of that time was Mr. James Murray?—Yes.

1047. Is there a resolution in the books of July, 1861, accepting his resignation?—I know there is.

1048. —He was to get two-thirds of his salary under the Act?—Yes.

1049. Was there a resolution appointing him secretary pro tem?—Yes. In other words, after the bill passed, he retired upon two-thirds of his salary, but continued secretary pro tem.

1050. Is it a fact that after July, 1861, he continued to get his full salary as secretary pro tem, and his retiring allowance of two-thirds?—That is so. I may add it was the subject of a Chancery suit afterwards and judgment was given against the Commissioners. By an omission in the Act of 1860, however, the amount could not be recovered from the Commissioners.

1051. Mr. LAWLESS.—Who was the plaintiff in that suit?—There was a relator at the suit of the Attorney-General.

1052. Mr. EXHAM.—What became of the costs of that suit?—The costs, of course, followed the judgment, and they paid the costs.

1053. Do you recollect was there any order made about the money he received?—Judgment was given that they should refund the amount of the pension he had been paid?—£105 18s. 4d.

Mr. Kelly.—I was one of the Commissioners on that occasion, and the judgment was to the effect that the Commissioners should make Murray pay, and in the event of his not paying then, that we were to pay.

1054. Mr. LAWLESS.—We must see that decree; there is no use in talking about the matter. The decree will speak for itself.

Mr. Kelly.—I know the Commissioners paid the costs.

Mr. PERRIN.—In 1873 I called upon the relator to proceed, and he declined to proceed, which is the reason the money has not been recovered.

1055. Mr. EXHAM.—The relator could be changed with the consent of the Attorney-General.

1056. Mr. LAWLESS.—It is a mere matter of course; it was only necessary to apply to the Attorney-General

of the day, because time does not stand in the way in those cases at all.

1057. Mr. EXHAM.—Is it the fact that before 1860 there was a bill got by the Commissioners for water?—No, they got only the Act of 1860. You are alluding to the Act of 1859? This was also a water Act of 1859, but the Act of 1859 was not obtained by the Commissioners; it was obtained by Messrs. Maguire and Kase, and had nothing to do with the Commissioners.

1058. Mr. LAWLESS.—There was the Act of 1859, the 2nd Vico, 1858.

1059. Mr. EXHAM.—In the Blackrock township the Commissioners got the Vartry water in 1867.—Wilson.

—We got it about that time.

1060. When the Bill of 1869 was opposed by the Commissioners had they taken any steps previously to get the Vartry water?—Yes, as soon as the Dublin Corporation were in position to supply Kingstown negotiations were opened with them.

1061. Mr. LAWLESS.—When was that?—It was in the year 1868.

1062. Mr. EXHAM.—Had they not supplied Blackrock in 1867?—Yes.

1063. Were they not in a position to give you water in 1868?—The men of the Corporation pass along the boundary of the Blackrock and Pembroke townships, and it was very easy to take a supply from them and distribute it in the two townships. We should be supplied from the Stillorgan reservoir, and the Corporation hesitated about supplying us. At all events, we had several depositions with the waterworks committee, and negotiations were opened. But we thought they were asking us higher than they ought, £1d, and we said they were supplying Blackrock and Pembroke for 3d. In the end we split on the matter of £1d, and 3d. I want to show that concurrently with the passing of the measure negotiations were going on with the Corporation, and a contract was entered into for the supply of water virtually at 4d. in the pound, including the cost of the pipe bringing it to the township boundary.

1064. Are you not now paying 5d. in the pound?—Yes; we were to give them the 3d. for the water, and 1d. in the pound for the cost of bringing it from the Stillorgan reservoir to the boundary of our township. The Corporation petitioned against the Act of 1869, that had a clause giving 4d., and they made such an effective opposition to the Bill of 1869 before the Local Committee, that although the Commons passed the 4d., the Lords passed it for 5d.

1065. Mr. EXHAM.—Did not the Commissioners oppose the Bill altogether, including the supply of water to the town; in fact had not a resolution been passed by the Commissioners in October, 1868, to get water from a different place altogether?—This is what

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scoffed:—To bring pressure to bear on the Corporation to force them to some extent to our terms, the township engineer was told to report on an alternative supply; and he reported on an independent water supply from the Three-rock Mountain, county Dublin, called the "Three-rock Mountain Scheme."

1033. (Suggested by Mr. McEvoy)—Did not the Commissioners serve notice under the Township Act to present a Bill for the purpose?—Yes; but still what I state agrees with that. I stated already the Commissioners entered into an agreement with the Corporation.

1033. What was the date?—March or April, 1869.

1034. Mr. EXHAM.—When they entered into that agreement were they opposing the Bill of 1869, actually?—First.—They were opposing the Bill of 1869. I certainly will say that the Commissioners, in the event of the Bill being carried, would have wished that the limit of 4d. should have been carried also.

1035. One of the principal objects of the Bill of 1869, I understand, as promoted by outsiders—it was promoted by Lord de Vost and others—was to get water from the Dublin Corporation: was that portion of the Bill actually opposed by the Town Commissioners?—No.

1036. Have we not had it in evidence already that every bit of it was opposed by the Commissioners?

Mr. ENNIS.—We had another arrangement.

1037. Did you not actually oppose getting the Vartry water before the House of Commons Committee?—Mr. RODGERS.—We did, because we had it.

1038. Mr. LAWLESS.—What was the contract made for 3½d?

Mr. ENNIS.—The contract had been signed for 3½d before the Bill reached Committee.

1039. Mr. EXHAM.—And 1d. for bringing it to the boundary of the township; that is 4½d.—Yes.

1040. Mr. KELLY.—We entered into an arrangement for 3½d. in the pound on the valuation of Kingstown, including the right of supplying shipping in the harbour; and we undertook to pay them for the stones to Kingstown, to be paid off by loan in thirty-five years. That was only to cost 1d. in the pound for thirty-five years. The Corporation were willing to stand to that agreement; but they said, If you bring it before Parliament we shall show you we could get more. They were right, for the Lords' Committee have added the township with a rate of 5d. in the pound in perpetuity. Considerations promoting Bills are a great injury. We may thank them for this increase of rate on the township.

1041. Mr. LAWLESS.—We cannot go into that, Mr. Kelly.

1042. Mr. EXHAM.—Mr. Ennis, what I want to know is, if the Committee of the House of Commons were informed of this arrangement of the Corporation?—Yes, and it all came out on both Committees. The Committee passed the fourpenny clause in the Bill, but the Lords' Committee changed it to five pence.

1043. What was the meaning of opposing the bringing in of the water?—They had their contract signed previously. During 1868 they made their contract with the waterworks committee. I cannot say they opposed the Bill because there was a water clause in it; they opposed in globe, not because there was a water clause in it; but the reason they opposed the water clause was this, because, they said, the 36th and 37th clauses of the Bill were most objectionable, as tending to deprive the Commissioners of control over the water supply.

Mr. McEVY.—When they had filed the petition to oppose the Bill they had not entered into any arrangement at all.

Mr. RULLY.—They had.

Mr. McEVY.—Well, they did not allege it in their petition.

1044. Mr. EXHAM (to Mr. Ennis).—Do you recollect complaints being made, other than the one we had today, about 250 tons of stones being in a certain store-

called Open-gate? Do you recollect any other complaints being made in 1873 of improper dealing with reference to stones being delivered, or of certificates being improperly given?—Well, in Mr. McEvoy's time, about 1873 or 1875, I think, there were some inquiries as to laxity with regard to certifying and paying for stones.

1071. What was the nature of these inquiries?—Well, they were not very important; something about the amount of stones not being properly charged.

1072. Do you recall a report being made, and unanimously adopted by the board, in March, 1872?—Yes.

1073. Here is a resolution as to a "stock-book" to be kept, "in which all the movable property of the township is to be entered, with the respective values of each article." Has that been done?—That was a book for the storekeeper.

1074. Have the Commissioners since 1872 seen that this resolution (adopting the report of the committee), has been carried out?—Yes.

1075. Does he keep a book?—Yes. We do not get the new men to exactly follow the ways of the old one; but the present storekeeper is keeping the stock in the way you speak of, and I very constantly look over it.

1076. How long has he been doing that?—Since his appointment, about two and a half years ago.

1077. Because the master we were investigating yesterday, about the removal of this slab, cannot have been entered in the stock book, for it only turned up afterwards?—Oh, no; it was because it was in the storekeeper's record it came before the board.

1078. Mr. EXHAM (reads a second resolution, directing the surveyor to keep two books, a "balance book" and a "read-material book," in which latter he was to enter the quantity of road material received from week to week, whether paid for or not, and also the stones used). Does the surveyor keep these two books?—He does. These books have been in operation since the year 1868.

1079. If he is to enter the road material received from week to week, whether paid for or not, how could there have been that difference of 250 tons of stones certified for by him? This resolution contemplates that in the depot where these stones are delivered the surveyor is to keep a road-material book, showing what stones have been delivered to the Commissioners by the contractors every week, whether in the depot or on a road. If the surveyor had entered these stones in his book, I should say he should do it from knowledge of his own that 250 tons had been actually delivered into the depot. Is that not so?—If I were keeping these books I should say I would debit the Commissioners with the quantity delivered by the contractor. So far as I am aware the town surveyor has such a road-material book, and keeps it.

1080. Mr. McEVY (handing in book).—This is the book established under this rule. It shows the amount under several columns. It is intended to show on one side what came in, and on the other what went out of stock, and to balance at the end of the year.

1081. Mr. EXHAM.—This appears to be a very regularly kept book.

1082. Mr. McEVY.—I want to see is that book kept in the same way still since 1874.

1083. Mr. LAWLESS.—I find a very considerable change in the style of this book since 1874.

1084. Mr. ENNIS.—You come to the change now in the offices.

1085. Mr. EXHAM.—But I understand you to say the new man was the best man?—Oh, no.

1086. Mr. LAWLESS.—But the account is continued on a totally different system?

1087. Mr. McEVY.—I believe this book was checked by the road committee every week in 1873.

1088. Witness.—I had to bring this storekeeper before the Commissioners, and state I did not think he was so satisfactory as the former.

1089. Was their attention called to the change in

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the book in reference to the particular regulation requiring the book to be kept!—The resolution does not tell how the book is to be kept. The new store-keeper and he could not keep the book in that way—it would be too troublesome—and the Commissioners did not insist on his keeping it in the old way.

1050. What check have they on him at all now? (Reads) —

"March 1st, in stock, pink, 5. March 1st, in stock, 14 1/4 March, left by a boy, stating it was sent by Rooley, 1; received two staves by Duff from George's street, £2."

What is the meaning of this kind of entries?—It seems to be a remissious way of making the entries only.

1051. Mr. LAWLESS.—I think it is more than that. It leaves it very difficult to find out what the state of the Commissioners' property is.

1052. Mr. EXHAM.—By that former resolution this book was to be submitted every week to some committee. The committee in previous years had everything apparently in the most perfect order, going on from day to day and year to year in a regular system, which wholly disappears from the 2nd September, 1874, to the end of 1875. For the whole of the year, from September, 1874, to August, 1875, are these the entries of the entries?—That is so.

1053. Mr. LAWLESS.—Is there a journal kept, founded on these books?—No.

1054. Or a ledger even?—Not a ledger founded on these books.

1055. Mr. EXHAM.—Here is a curious memorandum:—

"There were two 'E pipes' deposited in the yard not left one stave, Duff stating they were not 'the Commissioners'—only left to shingle a friend?"

—He is very particular about these things.

1056. Mr. LAWLESS.—Duff the Commissioners pass any formal resolution in relation to the change in the mode of keeping the books?—No; a great deal of this is done in committee—in conference.

Mr. A. E. EVELY.—The plan formerly adopted with the ledger was to correct each account with the new estimate in the beginning of the year.

Witness.—And that plan has been acted upon up to the present date. I keep that book.

1057. Mr. EXHAM.—But you are dependent on what you get from the other book to make up the ledger?—Between this officer and the Commissioners is the town surveyor, who has to check all accounts and certify them to the Commissioners, and the Commissioners to a great extent depend on the certificate of the townships engineer.

1058. Mr. EXHAM.—(Reads) —

"February 5th, 1876.—Delivered four loads of crossing blocks to Clermont-park, 150 feet."

To whom and on whose order were these delivered?—He dare not do that unless told by the town surveyor to issue these out of store.

1059. Mr. LAWLESS.—Under whose orders does he act?—These things are carried out under the Town Commissioners. On the roads certain improvements are to be carried out, and the expenditure is managed by various committees.

1060. Mr. EXHAM.—(Reads) —

"Delivered for Coalhouse-park, 150 feet, dressed, by Coalhouse-park committee, measuring per Duff-stone, Upper George-street, 150 feet."

Who is Duff?—Duff is the foreman of the works here, directly under the town surveyor.

1061. Has Mr. Doyle authority to send up 150 feet to Coalhouse-park?—Duff could not do it unless he had the authority of the town surveyor. The town surveyor, acting on the Town Commissioners' order, must have directed these things to be done.

1062. Is there any mode of balancing the books, so that at the end of the year you can see how the existing stores are accounted for?—I ask Mr. Doyle to hand me in an account of all the stock belonging to the Commissioners—chiefly for the value of them—and enter them in my account.

1063. Mr. LAWLESS.—Do you depend on the accuracy of Mr. Doyle?—Yes. Of course, as far as I can, I check them myself.

1064. Mr. EXHAM.—In other places what we have had is this: We have had a statement put in by the town surveyor, beginning, "I recommend the following works to be done." That is laid before the committee, and the committee then sanction the works or not, as the case may be.—In stating what is done in other places you have stated precisely what is done here.

1065. (Suggested by Mr. MCENOGH.)—Suppose, by accident some of these working-stones were removed from stock, how can you find it out by your present system?—I should say that if any storekeeper chose to set dishonestly, no matter how he keeps his books, he could do so.

1066. Mr. EXHAM.—(Reads) —

"Delivered one three-inch metal collar to Seamus, on account of the Dublin Corporation, to Duff and Duggan."

Why should a collar be delivered to the Dublin Corporation without their paying for it?—Reading that entry, I should say a leakage occurred in our own township, and the collar was put on at the junction of the two pipes to repair the leak.

1067. Are you bound to keep the mains in repair?—Certainly.

1068. But why should it be delivered to Seamus, an officer of the Dublin Corporation?—Seamus, who is in connection with our water-mains here, who, I suppose, at the repairing; and Dennis is the water inspector.

1069. Mr. EXHAM.—If Seamus was acting for you it would be a perfectly right thing to take this out of your store, but if it was on account of the Dublin Corporation it should have come out of the stores of the Dublin Corporation. (To Mr. Doyle, surveyor)—Do you not see the distinction "on account of the Dublin Corporation"?

Mr. Doyle.—That would look as if we lost one.

1070. If so, should it not have been paid for?—Certainly.

1071. (To the Town Clerk).—Who is Rooley?—He is one of the staff.

1072. Because immediately after this there is "delivered one three-inch metal thimble," not saying to whom, and then "one three-inch thimble to Rooley"!—I should say that Rooley would cover the two.

1073. Mr. EXHAM.—(Reads) —

"Gentle services—upwards confirmed—Amount £100 brought forward, 34; received from Mr. Sexton, 21; received from town hall from Mr. Doyle, 4; total of stock is £60, 60, delivery account per other side, 34. Delivered to Kingsdown Gas Company, 1; delivered for Minster Church, 1; total, 34."

What was the meaning of giving one to the Kingsdown Gas Company?—They could not have been delivered unless they lodged money, and asked for a water service.

1074. If so, where is the entry of the money lodged for it?—It is not there.

1075. How could you have forty in hand, and deliver forty-six? Can you explain that?—I cannot. I should say that was exceedingly bad book-keeping.

1076. Mr. LAWLESS.—Here is a book, which you say is kept by the town surveyor, not kept in accordance with the printed columns. I perceive the columns are not filled up!

Mr. Doyle.—The stones are weighed in the stones on coming in, and on going out we do not weigh them; they are weighed coming in, and we pay on the weight.

1077. Mr. EXHAM (to Witness).—This pertains to an account of everything that comes into your yard from Mr. Sexton, the contractor—not what goes out, as Mr. Doyle appears to be under the impression. "Supplied Mr. Sexton" does not mean delivered to Mr. Doyle for the Town Commissioners.

Mr. Doyle.—The contractor does not deliver any stones on the road; the stones are supplied into the yard by Mr. Sexton, and we deliver them with our own horses.

1118. MR. EXHAM.—The book only shows what goes out by your own horses; and the book does not show, that I can see, what Mr. Sexton supplies. (Reading) "Black stones, 180 loads" have gone out—equal 116 tons; but how do you know what Mr. Sexton delivered in, unless you take it by what went out?

MR. BOYD.—We take them out, and do not weigh. We have a book for each description of stone.

1119. MR. EXHAM (to Mr. Dennis)—examining road material book)—The "total weight" is a blank, the price is not given; and the place where the stones were delivered is not specified, only the distribution being recorded!—We distribute; the contractor does not distribute.

1120. Where is the book showing the amount of stones you receive, and the amount you pay him?—The stockkeeper has that.

1121. MR. LAWLESS.—Is there a written order given to the stockkeeper for the delivery of anything in store that is to be given out?—Anything that is to be given out in connection with the water service of the township, I give an order for. I can only speak for my own department. I have also this book of receipts.

1122. (Suggested by Mr. M'Gowen).—When you grant stores for the water service, do you make an entry in any book?—No; I do not grant a license for opening the roads for the water service; we have no licensed plumbers, as the licensed plumbers after the construction of the waterworks ceased their connection with this board. I direct the water inspector to make the return to me. I state and give an order for the amount of materials required for the week, and I give a receipt for the money to the applicant.

1123. What check have you on the pipes going out of stock?—Turn to the stockkeeper's account, and you will find each of my orders accounted for, and the quantity of materials coming in on the other side.

1124. MR. LAWLESS.—How often does the stockkeeper make a report?—He makes a weekly report to the Road and Water Committee on Wednesday morning, and a further weekly report on the Friday morning to the other committee.

1125. MR. EXHAM.—Here I see, in pencil:—"Neil, Kennedy, McOwan, and Byrne will account." I suppose for the sixteen picks which appear to be out. That is the last entry I can see about picks in this book!—These men got the picks and were to account for them. The stockkeeper gave them in charge to these men.

1126. But that is eleven months and a week ago!—Oh, they are worn out long ago. They account for them when broken.

1127. MR. LAWLESS.—Are the men allowed to keep their tools used for public works, or are they obliged to bring them into store?—They bring them into store every evening.

MR. EXHAM.—This memorandum dates from the 28th April last year, and there is not an entry of a pick given in or given out since that.

1128. MR. LAWLESS.—I find here an entry in connection with some of the stones which shows, I think, a rather curious mode of dealing. It is recorded that:

"The town clerk reported that on the night of the 6th of January he caught a man named Hawkes carrying a bag of stones from the town yard; and that he stated he had been sent it by J. Brady for asphalt. The surveyor said he gave no directions for the removal of the stones, as the bidding should take place only in the town yard. He gave no order to the stockkeeper from January 4th to January 6th. The stockkeeper produced a record of the asphalt and showed the specific stones given out, and showed there was an excess of limestone of eight tons, in the surveyor's order from 10th December, 1876, to January, 1877. The surveyor stated the quantities of limestone in yards, and had much less been used, and that the number of yards made, there would appear to be a deficiency of about two tons of limestone in store. The surveyor, J. Brady, and McOwan were severely reprimanded as to how far the record on the 6th of January took place. Brady was examined as to his letter to the Town Commissioners, and stated his statements against the town surveyor did not apply to the limestone, but had reference to a private transaction which took place between them. The report of the stockkeeper for the past three weeks was read. A letter was read from Brady as to his leaving of the asphalt; also short the removal of the bag of limestone on the night of the 6th of

January by a workman of Brady's. After a full investigation of the matter referred to, it was found that Brady's complaint against the town surveyor had no reference to the asphalt referred to; and that no sand was removed by the removal of the limestone, but that it was an irregularity existing from the long way the bags were given out of store to Brady. On examination it would appear the stock is correct, except about two tons of limestone, missing, according to Brady, about thirty-three square yards—or that at least the deficiency lies in the surveyor's account."—That, in view of the irregularities which have taken place in getting out the asphalt by the stockkeeper, and the difficulties which existed—the stockkeeper stating that he is in the master; when the contractor or his men are taking the materials from the town hall yard—we strongly recommend the Board to advertise for tenders for supplying the best asphalt at so much per square yard, according to specification, to be approved of by the town surveyor and accepted by the Board."

Has anything been done concerning that?—Witness.—It is proceeding.

1129. MR. EXHAM.—How long every day is the stockkeeper away from the yard?—Well, he is from time to time there, and from time to time here. From six in the morning to six in the evening he is on duty. The market is some distance from this.

1130. The man fairly enough says:—"I can't be accountable for anything because when I am in the market people come and take bags out of store. How can I be accountable?"

1131. MR. LAWLESS.—Are there any of those asphalt works actually going on at present?—Not at present.

1132. MR. EXHAM.—Have there ever been any complaints made to your knowledge as to the men of the Town Commissioners—I do not say taking away a single load, but making large sales of stones?—There have not.

1133. Do you recollect the Bill of 1873?—Yes.

1134. Did that fall to the ground in consequence of proper notices not having been given?—That is so.

1135. Who paid the costs in relation to what had been so far done—because I understand it was promoted by the Town Commissioners as a body?—Did they pay the costs of that out of the rate?—Oh, certainly not.

1136. Was there an injunction obtained against them to restrain them from paying any even of the preliminary expenses out of the rate?—Oh, no; there was no injunction to restrain them proceeding with the bill.

1137. MR. LAWLESS.—Were any of the costs of promoting or opposing this bill paid out of the rate?

MR. EXHAM.—There were costs paid to Mr. Hassard for plena. This Board had never anything to do with closing these plena.

PLENA.—Mr. Hassard furnished a bill to the Commissioners for payment of costs, £48. The Commissioners regarded the account. He brought us into the Court of Common Pleas. The thing was decided there; and he got a verdict against the Commissioners, with costs. To be strictly accurate, I remember now about the costs of the bill; I thought of Parliamentary costs above, but we did in fact pay something in relation to that bill in the shape of costs of advertisement.

1138. MR. LAWLESS.—How were those costs for which Mr. Hassard got judgment against you paid?—Out of the rates.

MR. KELLY.—Although we never employed him at all. The jury decided on the evidence of Mr. M'Evoy that he, as chairman, of the Board, gave him authority to make the plena.

1139. MR. EXHAM.—Did the Board ever take any action to carry out Sir John Hawkshaw's plena?—They did.

1140. What became of them. Did you adopt them or seek to carry them out?—This concerned the proceedings in connection with the bill in 1873 were stopped by the injunction. The Commissioners, knowing by experience how to act legally, proceeded under the clauses of the Town Improvement Clauses Act of 1847, giving the rate-payers leave to come in by remonstrance, but they were stopped in 1873 from

*Examination
Answered, ver.
Mr. Finch.*

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proceeding with a bill in 1874 by the majority of the rate-payers having signed the remonstrance.

1141. Was that document ever lodged here?—It is one of the documents I keep carefully looked up in the strong room. I can let you see it at any time.

1142. The Commissioners having gone so far to show their wish and intention to carry out Sir John Hawkshaw's plan, how is it that they have now changed their mind and adopted Mr. Doyle's which Sir John Hawkshaw condemned?—He merely said the surveyor's estimate was not sufficient.

1143. Mr. ECCLES.—(Reads)—

"Now, in considering the plan I advise you to carry out, I may remark that the proposal of Mr. Doyle is rather more drastic, to construct others of smaller size, and to make two outfalls terminating all the streams into one place, is an imperfect system and would not satisfactorily dispose of the drainage of the town."

Witness.—Sir John Hawkshaw having made that report the Commissioners did not think well of acting upon it. They wished to have further inquiry on all those plans.

1144. Mr. ECCLES.—This report was made in 1873; and you had published notices in 1873 of your intention to apply for a bill in 1874 to carry out Sir John Hawkshaw's plan. Then that was stopped by remonstrance, and you proceeded to obtain the sanction of the Local Government Board to plans which Sir John Hawkshaw condemned as an imperfect scheme that would not carry out satisfactorily the drainage of the town. Is that not so?—We are trying to get the order.

1145. Mr. LAWLESS.—Sir John Hawkshaw also reports—"Mr. Doyle's hardship desire is to avoid unnecessary expense as much as possible." He, however, differs very much again with Mr. Doyle as to the advisability of the plan and the sum for which they could be carried out.

1146. Mr. ECCLES.—He says—

"I estimate the cost of intercepting rivers from one end to the other at £100,000, and, if you take the bill at Belfast Harbour, £30,000."

Is it or not the fact that Sir John Hawkshaw, Mr. Hassard, and Mr. Falles agreed that a single intercepting sewer would be a desirable plan?—Yes; that is, a single intercepting sewer with one outfall.

1147. Is the only question at present that Mr. Doyle proposes to discharge the sewage equally at the east and west piers?—Mr. McEvoy has asked me to state in explanation of that, that at the end of 1873 the constitution of the board was changed, and again at the beginning of 1874. Those who were the minority became the majority.

Mr. DOYLE.—In addition to that, I may tell you the Glasnevin Board of Poor Law Guardians would not allow me to discharge the sewage as proposed.

April 11, 1877.

WEDNESDAY.—APRIL 11, 1877.

1152. A deputation of ratepayers attended at the inquiry, and made a statement complaining of the operation of the law with respect to weights and measures. They requested us to have evidence with a view of showing that there was a defect in the law, which prevented them from having their weights and scales duly

adjusted. Was there any such complaint made against the surveyor in 1874, and if so, what was the resolution passed in relation to it?—There was a resolution passed at the monthly meeting, March 2nd, 1874, there was a very large attendance. The resolution was—

"Resolved by Mr. Kelly, seconded by Mr. Cooley, and carried—That the surveyor be called upon to resign, as he has apparently delayed the rates laid down by the Board for his guidance, particularly in obtaining goods without the consent of the board and in the unscrupulous manner in which he carries out the business of the township generally."

1149. Was the matter brought before the Board by the committee in accordance with that resolution?—In March, 1874, this resolution was passed, and in that very month the inquiry was held before Mr. Robinson. The surveyor showed great zeal in the discharge of his duty at that time, and this became a dropped resolution.

1150. There is another matter mentioned in Mr. Finlay's report. There were some rates, which Mr. Finlay, I think, says were returned as irrecoverable, payable by Mr. Sexton; and afterwards something was discovered about them?—In the summer of 1871, I think, the rate-collector in the course of his collection, came upon a house that was empty and unproductive. In his annual report he wrote it down as irrecoverable, and the house being empty during the greater part of the year, and the person being gone who would be liable to pay rates, we put it down "irrecoverable." Before the finance committee of the following year it transpired, from information a commissioners had obtained privately, that Mr. Sexton had purchased this property, and that after the rate had been wiped out he deducted from the purchase-money the amount due as if the rates had to be paid up. It having been stated before the audit that the rates were actually stopped from the vendor by the purchaser, he said the rates should be paid. Mr. Sexton, afterwards sent up the amount of the rates. When the matter was brought before the finance committee, I was directed to apply to Mr. Sexton for the rates, and he came down and said he was not liable, and did not say why he should be liable for rates for which he was not liable, but he afterwards did pay them. I heard an explanation of that state, which was, that the vendor owed Mr. Sexton a sum of money, and that it was really a settlement against a private debt that he stopped it.

1151. Do you recollect when application was made by Mr. Doyle in January, 1876, for an increase of salary, was there any resolution moved by Mr. Kelly on the subject?—He gave notice he would move on March 14th—

"That, in consequence of the addition to the township by Act of Parliament, the salaries of the constable and town surveyor be increased by £5 each."

adjusted, whereby they were liable to have them seized and to be fined besides at the instance of the police. We informed them that we could not go into any inquiry on the subject, but at their urgent request we stated that we would report on our notes that they had made the application.

Mr. Doyle.

Mr. DOYLE recalled.

1153. Mr. ECCLES.—Are you aware that there should be a map of the township showing all the existing sewers?—Yes.

1154. Is there such a map?—Yes.

1155. Was it prepared by you?—Yes; from time to time.

1156. Was it made by you since you were appointed surveyor or was it continued by you so as to point out the sewers you made?—It was continued by me. I want to explain that we have not the large scale map

directed by the Act of Parliament for that purpose. This (producing a map) is the only scale map we have. We have not the eighteen-inch scale that we should have.

1157. Have you or have you not a map in conformity with the provisions of the Act of Parliament?—No.

1158. Is there a map showing all the sewers existing in the town?—Yes; there is.

Mr. JOHN JONES examined.

1152. Mr. LAWLESS.—Are you a ratepayer?—Yes, for sixteen years, in the Glastonbury district.

1153. What is the nature of your complaint?—I have to complain that a sewer was run out through the wall to the sea at Burdett-avenue. The last high tide left the shore open, and it now discharges itself on the strand above high-water mark just at the wall. The late great high tide took away the wall, and the Commissioners refuse either to build it up or to carry the sewage out beyond high-water mark. The nuisance is discharging itself under my window, and I do not know exactly what to do. The Commissioners say they are not liable. In making the opening through the wall to put the sewer through they shook it so much that the very next high tide took it away.

1154. When did that happen?—Last summer.

1155. Is the sewage now discharged above high water?—Yes; fifteen feet above high water.

1156. How far from your house?—About five or six yards.

1157. Have you represented this matter to the Commissioners?—I have written to the Board.

1158. When did you write?—About two months ago. I suppose they will produce my letter.

1159. Did you get any answer to your letter?—The Chairman, Mr. Barrett, called on me.

1160. Did you get any official answer?—No.

1161. Has anything been done to remove the cause of complaint?—No.

1162. Is the wall thrown down?—Yes, and a person went down there yesterday, and drew away a quantity of the stones in his horse and cart.

1163. Is Burdett-avenue within the township?—Yes, of course it is.

1164. Do you pay the taxes?—Yes. I am rated at £23 a year.

1165. Was this a new sewer?—Yes.

1166. When was it made?—They commenced it, I think, some time in June, 1876, and it was left unfinished, so that neither a car nor vehicle of any sort could pass down there.

1167. How long was the road left unprepared while the sewer was being made?—It was a long time.

1168. After the sewer was completed was the road properly finished?—Well, it was.

1169. Does the sewer of your own house communicate with it?—No; I have one for my own house, three feet under it, but it does not communicate with the main sewer.

1170. Do you mean to say that they have made the sewer in Burdett-avenue three feet above your sewer?—Yes.

1171. And what do the other houses do?—It is low enough for them.

1172. What does Mr. Doyle mean by saying that every house is connected with the main sewer?—I do not know.

1173. Were you called upon to make a connecting sewer between your own house and that drain?—No, I was not.

1174. Is the sewer from your house into the sea?—Yes.

1175. And three feet lower than the main sewer?—I am told so by the builder who built the house.

1176. How much above the level of high-water mark is the present sewer made down Burdett-avenue?—I never saw it within two feet of it.

1177. Was there anything to prevent the sewer in Burdett-avenue from being made low enough for your house?—Nothing but the expense.

1178. (To the Town Clerk).—Have you got Mr. Jones' letter?

1179. (To Mr. Doyle).—Is this place in the state that Mr. Jones describes it to be?—The wall is broken

down, and the sewage discharges itself above high-water mark.

1180. Did you make it discharge itself above high-water mark?—It always did so.

1181. Was this sewer made in 1876?—Yes, but there was an old one there before.

1182. I understand you to say that everyone was made connect their house-drains with the main sewer; Mr. Jones says that his sewer is three feet lower than the other one?—Yes, it is.

1183. In making this sewer, did you adopt the outline of the old sewer?—Yes.

1184. Do you propose to make another sewer there?—We have applied for powers to make an intercepting sewer, which will catch it.

1185. How long was the old sewer made?—Long before my time.

1186. Do you discharge the sewage there a number of feet above high-water mark?—Yes.

1187. Do you know it is a nuisance?—We will provide for it properly hereafter.

1188. Do you know it is a nuisance?—The waves wash it away at high-water. There were some of the houses there half encroached, and we made them connect with the new sewer.

1189. How can the waves wash it away at high-water if the discharge is several feet above high-water mark?—It does so sometimes.

1190. What has become of the sewage since last October?—Have you turned all the cesspools into the sewer which has since been built; and if so, where does the sewage go?—I think it goes out to sea.

1191. Town Clerk.—This is Mr. Jones' letter to the Town Commissioners:—

"17th February, 1875.

"To the Chairmen of the Town Commissioners.

"Sir,—Allow me to call the attention of the board to the dangerous and disgraceful state of the sea-wall at the end of Burdett-avenue, which was thrown down by the late storm, in consequence of the wall being shaken by opening a sewer. It appears as if no one took any notice of it. The steps going down to the sea-wall are thrown about, the safety-stones are broken, and are scattered away by the people; the iron railings are torn out of the stumps, and thrown about the shore, and unless something is done to prevent the destruction of the wall it will be a matter of great expense before long. Hoping this will be the cause of calling the attention of the Commissioners to it, and having it made right,

"I am, yours,

"John Jones, Ratepayer."

1192. Mr. EXHAM (to Mr. Doyle).—Is that wall in Mr. Doyle's within the township?—Yes.

1193. Is it part of the shore wall at the sea?—Yes.

1194. Have you received any directions about it?—No; I mentioned it in the very last report. I did so in several reports, but I did not get directions to have it repaired.

The Town Clerk.—The Commissioners believe they are not bound to repair that wall.

Mr. Jones.—The Commissioners repaired that wall ten years ago.

1195. Mr. LAWLESS.—Did the Commissioners express any opinion upon the rebuilding or repairing of the sewer?

1196. Town Clerk.—That was not brought before the Commissioners.

1197. Mr. EXHAM.—Mr. Doyle says it is the property of the Commissioners, and this gentleman says that the stones are being carried away, that the coping is broken, and that the iron rails are scattered about. If it is the property of the Commissioners, are they to allow it to remain in that condition?

Mr. BARRETT (Chairman of the Commissioners).—My opinion is that we should not allow it to continue in that state.

EASTBOURNE.
April 11, 1887
Mr. John J.
Jones.

KINGSTOWN,
April 18, 1877.
Mr. Doyle.

Mr. DOYLE recalled.

1204. Mr. EXHUM.—The Commissioners are bound to have, under the 13th section of the Town Improvement Clauses Act, 1847, a map of the township on a scale of not less than sixty inches to the mile. Have you got such a map?—No. There is a map on the wall beside you of the town before we got the extended area.

1205. Is it on that scale?—No, it is not.

1206. Was that map made before you came into office?—It was.

1207. Did you ever make application to the Commissioners for powers to carry out the Act of Parliament with regard to the map?—I did not.

1208. Why did you not?—I told them I could not comply with the terms of the law as regarded the extended township.

1209. Why could you not?—Because it was not published; the Ordnance map was not published.

1210. The Act of Parliament does not say anything about that. What it does say is this (reads):—

"The Commissioners shall, as soon as conveniently may be after the passing of this Act (that is, the Act of 1867), procure or cause to be made a survey and map of the district on a scale of not less than sixty inches to the mile."

They are to have the map made by some competent person, and you, as surveyor, could have made it. Do you know that clause of the Act?—Yes.

1211. Why, then, did you not ask for authority to carry out the provisions of that Act, so that the rate-payers could see what surveys were made?—I did not do it.

1212. Did you ever ask for authority to have it done?—Shortly after the passing of the Extension Act the subject of having a map came up, and I was directed to make one, but I objected to doing it, because I did not think I was the person to do it.

1213. When did you get orders to do it?—I think about five years ago.

1214. The Act of Parliament was passed in the year 1847, and no complete map has been made yet?—That is so.

1215. Did you ever see a report made by Mr. Pallas in 1867, when he was town surveyor?—Yes.

1216. Do you know that he called attention of the Commissioners to the fact that there was no map of the Kingstown coverage?—I think so.

1217. Therefore the Commissioners were apprised so far back as 1867 that the Act of Parliament was not complied with, and that there was no means of ascertaining the levels, and so on?—That is so.

1218. Mr. LAWRENCE.—Was Mr. Pallas at that time surveyor to the township?—He was called upon to produce a map and scheme of coverage at that time, and he was appointed surveyor shortly afterwards.

1219. Mr. EXHUM.—How often have you been at this Letterkenny railway?—Have they not their office in Londonderry?—Yes.

1220. How often have you been away at Londonderry about this railway?—I think I was not away more than twice.

1221. And how long on those occasions?—Two days at the most.

1222. And the days going and coming?—No, two days, including the travelling.

1223. Am I right in saying that on the 10th or 12th March last tenders were opened or received for the construction of this railway on plans prepared by you?—Yes, you are.

1224. Have you an office in Londonderry?—No.

1225. Where were the parties to communicate with you?—They called here in Kingstown.

1226. This railway is being constructed under a renewed Act of last year?—Yes, there is no contract yet entered into.

1227. Are they not going to expend £70,000 within a year and a half?—They hope to do so.

1228. Is that work to be carried out under your supervision?—That is not settled yet.

1229. Have you applied to be appointed engineer to construct these works?—I am trying to better my position. If I do so I'll give up the township.

1230. I only want to know if it is your intention to try and carry on both?—I was always a railway engineer, and it is a mere switch to my tastes.

1231. Mr. LAWRENCE.—Have you ever applied to the Commissioners for leave to attend to that Letterkenny business?—I did not mention it.

1232. Mr. EXHUM.—I understood you to say on last Saturday that during the pendency of the works in the township by Messrs. Edmundson's firm, Mr. Wigham, one of the members of that firm, put his name to a bill of exchange for your benefit for £30, and which you afterwards took up?—I said certainly that he gave me an accommodation bill, but he merely gave me the money, and I gave him an I.O.U. for it.

1233. Did Mr. Wigham give you money on your I.O.U.?—Yes.

1234. During the pendency of the works?—Yes, and it was paid by me.

1235. Mr. LAWRENCE.—How much was it? I think it was £30; whatever it was I paid it.

1236. Mr. EXHUM.—Did you apply to Mr. Wigham for that purpose?—Yes, Mr. Wigham and I were intimate, and I thought I might intrude myself on him for the time being.

1237. Was it to be a loan for a month of time?—It was an I.O.U.

1238. How far had the works then progressed?—They had progressed very far at the time.

1239. Were you giving certificates to his firm from time to time for the week?—Yes.

1240. Was it to be a loan for a month, or for a year or two years?—I returned the money the moment I could. I told him it would be a very short time. It was not an accommodation bill. I made a mistake in saying so.

1241. I observed a letter in the paper yesterday morning in which Mr. Wigham, of the firm of Edmundson and Company, said:—

"Our engineer having been called to a statement by Mr. Doyle, town surveyor, in which he said that he had cleared Messrs. Edmundson in 1871 to substitute one description of granite stone for another, we think it right to say that we had no wish to make this substitution, but Mr. Doyle in the course of his directions would in his order our contractor requested us to do so; and although we were not called upon to make any distinction in consequence of the change, we submitted to a distinction from our account values that got into a bill sent to the Commissioners. We also observe that Mr. Doyle is reported to have said that he had received an accommodation bill £30 from Mr. Wigham, a portion of our fee. It is scarcely necessary for us to say that this statement is entirely untrue, neither Mr. Wigham nor Mr. Doyle had, nor do we at this day, having ever laid eyes on him, any kind of account with Mr. Doyle."

Was it at your own request that they substituted one kind of stone for another?—I beg to say that distinction is entirely untrue.

1242. Do you state that it was not at your request it was done?—I do. It was not.

1243. Did they put them in without your knowledge?—No. But it is perfectly well known that the quantity of Dalkey granite could not be got, and we substituted mountain granite instead.

1244. Was it then a mutual arrangement?—They asked me to do it all right, and I said "Yes."

1245. Did they do it with your sanction?—Yes.

1246. But not at your suggestion?—No.

1247. What was the nature of the difficulty in getting Dalkey granite?—They were to be stones three feet six inches square, and there were such a vast number—340 odd—required in such a hurry, that they could not be got in time.

1248. Was it not a curious thing then to put it in the contract?—Well, it was a curious thing, but it did not seem so at the time.

Mr. JOHN R. WIGGINS examined.

1248. Mr. KIRKHAM.—You are a partner of the firm of Edmundson and Company?—Yes. I am the person who had charge of those works at Kingstown. I attend here today in consequence of what I saw in the papers—a report of Mr. Doyle's evidence, in which he stated that I had passed an accommodation bill, or given an accommodation bill to him. Now, it was particularly unpleasant to have a statement of this kind made; and it is a statement which is not only utterly untrue, but peculiarly inexplicable, because I never accepted a bill in my life, and all the transactions of Edmundson and Company for the past thirty years were cash transactions. They never, as a firm, accepted a bill during that period of thirty years, and I never had any such transaction with Mr. Doyle.

1249. That is admitted by him now to be a fact?—With regard to the stones. In the same newspaper report of the evidence given here, there is an account about these stones, from which it would seem as if an inference might be drawn that Messrs. Edmundson had derived some benefit from the liberty given by Mr. Doyle to supply smaller stones, and that we might do this in a corrupt and callous kind of way, in connection with this bill that he spoke of. I think it right to say in the outset, that I never gave or received any favour from Mr. Doyle except this. Mr. Doyle called on me one day, apparently in great distress and embarrassment, and asked me for some money, saying to me, "If you oblige me with £40 I will give you an I.O.U. and pay you before Monday." I did not like to be hard on a man in distress, and gave him a cheque for the money; but it was not paid for a long time, although it was applied for again and again, till my patience was exhausted, and it had to be sought for through our collector, and even he was not able to get it for some time, but it was ultimately paid. It took three years to collect the debt, which was not paid until January, 1876.

1250. The debt was £40, and I see from the memorandum you produce that it ran up to £122 12s. 6d., including the costs. Was interest not charged on it?—No. Mr. Doyle has said that the statement of Messrs. Edmundson in the letter in the paper as to the stones being substituted at his request is untrue, but he says it was done with his sanction. I am prepared to show that the statement of my firm that these stones were supplied at his request was perfectly correct, and is not untrue. I submitted a tender to the Kingstown Commissioners on the part of my firm for supplying these waterworks at Kingstown. It was not a bulk sum; the items were given in detail—so much for pavers and so much for various other items. I was furnished, as well as other contractors, with a copy of the specification; I filled in the price and sent in the tender which was accepted. I was sent for to attend the Board, and my tender being then and there accepted by the Commissioners, we had some pleasant interchange of courtesy about it. I had to initial the different items in the specification, and when I came to the clause about the stones I found the word "Dalkay," which was not in the original tender.

1252. Was it not in the original printed contract?—No; it was not in the form supplied to us, but when I came to initial the copy of that printed form which the Commissioners had, the word Dalkay was in it. I asked what it was for, and Mr. Doyle said it was a matter of very little consequence, that Dalkay was the best granite, and that I would like to give the best material. "But," said he, "I know personally that there will be no difficulty in getting these stones." On this assurance I allowed the word "Dalkay" to remain, and I initialled it, and it is in the contract. The work commenced; and very shortly after, Mr. Doyle said to me (I used to go out to the place frequently about various matters)—"With regard to this Dalkay stones, I'll save you all trouble about it. I'll get the stones for you, and you will have no trouble.

I happen to know a most respectable man in Dalkay, who will supply them about as cheaply as any other person." I said to him, "I have already taken tenders for supplying these stones, and I have the prices fixed at which I was intending to enter into a contract for them." And he replied to that by saying, "I'll undertake to take the gentleman I refer to will sell you the stones at the same price as you will get them from any other person at." I then agreed to his arrangement. The work was allowed to progress for some time, when I got a letter from Mr. Doyle.

1253. Did he name the individual from whom he was to get the stones?—Yes; Mr. Cunningham. That letter from Mr. Doyle requested me to pay £15 to Mr. Cunningham, on account of some stones delivered and some not delivered. The letter is as follows:—

"January 12th, 1875. Kingstown Commissioners Office,
"Kingstown."

"To Messrs. Edmundson & Company:

"Gentlemen.—The bearer, Mr. John Cunningham, the contractor for hydraulic blocks, would tell much satisfaction if you would kindly inform him, as soon as his contract, £15, is balanced to his account, and he has in hand since twenty more ready for delivery, and which I expect in a week will be on the ground. Your compliance with this request will very much oblige us, and be of great service to him.

"I am yours,

"R. A. Doyle."

And here is the receipt for the money—

"Received from Moses Edmundson and Company, £15, on account of hydraulic stones. John Cunningham, Dublin, 10th July, 1875."

And then there is this postscript—

"These stones are 12s. each. John Cunningham."

1254. You say that the word "Dalkay" was not the form in which you tendered?

Town Clerk.—The Town Commissioners told Mr. Doyle to make that alteration.

Wilson.—The entry about the stones being at 12s. was made by Mr. Cunningham, because I said, "My understanding with Mr. Doyle is, that you are to charge me the same rate as I could get the stones from other parties for; it was on that understanding I agreed to do this." He was quite satisfied when I told him the price. At the time this money was paid, I had no idea that the stones were not the full size—the price of course is the full one that we were to pay and did pay for the sized stones in the contract.

1255. Do you mean to say that you paid this man Cunningham for the stones at the full price on Mr. Doyle's certificate?—Certainly; for every one of them.

1256. As if they were three feet six square?—Yes.

1257. Did Mr. Doyle after that refuse to give you a certificate of their being the full size?—Yes; shortly after I paid this money to Mr. Cunningham, my foreman informed me they were not the size. I went at once to Mr. Doyle, and told him so, and he said they would do perfectly well, that there was no possibility of getting Dalkay granite stones of that size, that anyhow he was satisfied with them, and that ought to be enough for me; and then I said if he was satisfied of course I was satisfied. Shortly after that I received another letter from Mr. Doyle to pay for a further delivery of stones.

1258. After being aware of the fact that the other stones were not the full size?—Yes.

1259. Did you receive offers from other persons to supply full size stones at the same price?—Yes.

1260. Could you have got the fall-sized stones without any difficulty?—There might be some difficulty. I believe there is something in that; but I could have got them.

KINGSTOWN,
APRIL 26, 1875.
Mr. John R.
Wiggins.

EDMUNDSON,
April 12, 1872.
Mr. John B.
Wigham.

1261. What is the date of the second letter you received?—I'll read it. (Reads)—

"August 18th, 1872,
"Kingstown Commissioners' Office,
"Kingscourt, Kingstown."

"Dear Sir,—The bearer, Mr. Cunningham, has delivered only large blocks for hydraulic, and so he wrote again, will you kindly let me have the account, deducting the former payment.

"Yours, &c.,
"F. A. DODGE."

And here is the account—

"Messrs. Edmundson and Co., to John Cunningham, sixty hydraulic stones, £26; by cash, £15; balance, £11."

And it is receipted thus—"Paid, £21." Here again is the account in full—

"14th November, 1870. Messrs. Edmundson and Co., Cashier, to John Cunningham.—To deduct 131 hydraulic stones at Kingstown, at £1s, £15 10s."

That was at the three feet six square, the original price.

"Balast stone paid before, £26; balance, £11 10s. Paid. Certified as correct. F. A. Dodge, c.e."

I have only to say now that I trust you will see the stones were got at his request.

1262. After that were you made take off a certain portion of your account, on the ground that that was an incorrect calculation?—Yes.

1263. How much was taken off?—£10; they wanted to deduct £70 and I objected, but rather than have a regular fight we took off £60. £60 is but a small item in so large an account.

1264. You mean on the pipe-laying and everything?—Yes; our contract was for £9,000. We paid, however, for the stones as if they were the full sum.

1265. Mr. Doyle.—At the time we entered into these contracts the word "Dalky" was agreed on by a resolution of the Commissioners. The Messrs. Edmundson accepted the contract with the word "Dalky" in it. After some time I brought over this man Cunningham and he agreed to deliver the blocks. Mr. Wigham and I were walking over the works one day and I drew his attention to the blocks, and said, "That is not the size; how does this come?" He said he really did not know; and I then said they were small and not

Mr. Doyle.

Mr. Doyle.

Mr. Doyle recalled.

1266. Mr. REEAM.—Do you know Willmount Avenue?—Yes.

1267. Do you know the cottage occupied by Mr. William Read?—Yes.

1268. Do you know how that sewer is covered?—There is no sewer in it.

1269. At all?—No.

1270. How is it drained?—It is private ground, and we have no liberty to go into it. We have a water main, but there is no gas main in it. The boxes are just beside the sea, so of course they have nothing to do but run the sewer out through the main part wall.

1271. Do you know the sewer from Mr. Read's cottage in Willmount Avenue?—I do, well.

1272. Is it run through the rampart wall?—It is.

1273. Through the wall and not against it?—Not against it.

1274. Are you quite positive about that?—It is not open to the sea. There are crevices through the wall, which the sewage goes through underneath.

1275. Does the sewage come through underneath?—Yes; but the pipe does not show. You cannot see it.

1276. Is it a sewer or pipe under the care of the Commissioners?—No.

1277. Why do you say it is not?—They cannot go in there as it is private ground, unless the attention of the sanitary authority was drawn to it.

1278. Was the attention of the sanitary authority drawn to it?—There was some dispute about the place between Mr. Read and some other person; they had some law over it.

1279. Was it Miss Williams?—Yes.

large enough, and he must take something off, and he replied, "Yes."

1266. When was that?—At the commencement of the works in 1870. It happened early in the morning. He promised that if the same thing occurred again he would give the full reduction. I merely gave him a certificate that the stone was on the ground.

1267. Did you not give him a certificate that there was £78 worth on the ground? Did you not certify for them as complete stones?—I was not to know anything about the price.

1268. Am I not asking you anything about the price; but if you refer to the letter of August, 1870, you will find that you certified for sixty "large" blocks?—They were "large" blocks. I wish to put on my oath about this matter. A man may be poor and not have money, but he may be honourable.

1269. Was it before or after the date of your letter of 12th August, 1870, that you had this conversation with Mr. Wigham, and called his attention to the size of the blocks?—I'll refer to my notes and see.

1270. Had you any contract or agreement with Mr. Cunningham about those stones?—Certainly not; I merely introduced him to Mr. Wigham as a stone contractor.

1271. What did you mean by using the words "large stones" in the letter?—They are large blocks. Three feet square would be large.

1272. Did you not mean to certify that they were blocks equal to contract?—No.

1273. Your own specification specifies exactly what they are to be. Did you measure them before you gave the certificate?—There were very few of them down at the time, and I drew the attention of Mr. Wigham to them.

1274. Why did you recommend Mr. Cunningham to Mr. Wigham?—He is a well known quarryman in Dalky, and he is very well able to do this work. He has done work for the Dublin Corporation.

Mr. Wigham.—I adhere to my statement that it was I called attention to the smallness of the stones.

1275. Did Cunningham allow your firm to deduct anything from his account?—No; we have his receipt for the full amount.

1276. Has Mr. Read ever applied to you, as town surveyor, with reference to this place?—Yes, and I have gone there to look at the place.

1277. Have you communicated the state of affairs there to the Commissioners?—No.

1278. Have you asked for instructions concerning it?—No.

1279. Have you communicated with the sanitary authority concerning it?—The executive sanitary officer has looked after it.

1280. Has the exec-sanitary officer made any report about it?—Yes; he has compiled the sewer to be opened, and laid down afresh.

1281. Does not the sewer remain in the very same state still? Does it not terminate on the inside of the rampart wall?—It does.

1282. Do you call that a sufficient system of drainage for the houses?—I do not. It is my impression that the work there should be properly done, and Miss Williams has promised to do it.

1283. Were there any directions given about the work being properly done?—No.

1284. Did you ever receive any instructions from the Commissioners about it?—No, never.

1285. Is it in the Glasnevin drainage district?—Yes.

1286. Were there any proceedings taken against Mr. Read and Miss Williams?—I believe the exec-sanitary officer took proceedings against them both.

1287. What was the result, do you know?—It was that there was a concession made on both sides, and the pipes were laid down afresh.

1303. The Town Clerk.—I have found the resolution with reference to the map of the sewers. (Reads):—

"4th September, 1872. Resolved.—That the town surveyor be and is hereby directed to complete the map of the township as intended by the Kingstown Extension Act, 1872, and in accordance with section 34 of the 10 & 11 Vic. 1st Commissioners considering that this work is included in the duties of the office of town surveyor."

1304. Mr. EXHAM (to Mr. Doyle).—Has anything been done since that time?—No; it was a very bad season. I intend to apply to the Commissioners to furnish me with instructions to carry out the survey.

1305. Why have you not made the application before this?—The winter time is a bad time to do it. I have just now to say a few words with respect to the charges brought against me. One was about the hydrant stones, and another was that I certified for a quantity of stones, and treated the man to deliver the rest. Now, I say that the man (Neale) did deliver the required number of tons of stones, and I produced my notes before the Inquiry, but they would not be taken in evidence by the committee.

1306. Did the Commissioners refuse to take your notes as evidence?—Yes; I was told that they made the thing worse. Here are the notes which I offered to lay before them at the time. (Notes produced.)

1307. Did you explain the notes?—Yes.

1308. You heard the explanation about the quarry?—Yes; that is a very different thing.

1309. Do you say that Neale actually delivered the correct number of tons?—I will swear it.

1310. How was it that Neale never made them pay him?—I do not know; I beg £20. There was another complaint made against me with reference to the steppock—that I certified for it. The fact is I looked over all these things, and certified for them as I found them. We had a water inspector, and if he saw it off at any time he would have reported it to me, but he did not, and of course I had no evidence about it. In 1873, Mr. McEvoy was chairman. There was a very particular bit of sewer to be made in a place called Edgar's Avenue. Mr. McEvoy came with me and over the work necessary to be done. We were connecting private houses, and he ordered me to do it at once for fear the men would change his mind, and I did so. When the thing came to be paid for the Commissioners refused to pay it. I applied to Mr. McEvoy, and he wrote to Mr. Exham and said he had told me to do it, but said he thought I had got the order. I could not have got the order for three weeks, but I did the work by the order of Mr. McEvoy.

1311. Was that the only reason they had for saying what they did?—I was really unaware what the other irregularities were. I have been here for eight years, and during that time party spirit ran very high amongst the Commissioners, and it was very hard to keep out of difficulty with them, but I do not know of anything else.

1312. Town Clerk.—I may say with reference to Tilley's master that I find there was £9 lodged in 1871. Mr. Doyle was to hand in the value of certain articles to be disposed of, and he did hand in £9. The money referred to was paid by Mr. Doyle for Mr. Tilley in February, 1871.

1313. Do you consider Mr. Tilley's money was part of the £9?—I do.

1314. (Begged by Mr. McEvoy).—How do you know it was included in the £9? You said before it was not paid?—I think I can trust my memory about it.

1315. Mr. Doyle.—There was a time here when we had an inspector. He was a favourite of Mr. McEvoy's. I was annoyed out of my life by that gentleman. He acted as a kind of detective.

1316. You say an inspector. What do you mean by that?—I say he was appointed inspector.

1317. Did he hold any office under the Commissioners?—He was store clerk, had gages, and everything of that kind.

1318. What was his name?—Byrnes.

1319. Has he any office at present?—No; he was dismissed.

Mr. McEvoy.—He was dismissed by main June, 1872.

1320. Did you complain of anything in the conduct of Byrnes?—Yes. He was a spy sent to watch my movements, and make reports to the chairman. We commenced to make a sewer in Upper George-street—

1321. What?—In 1873, I think. Immediately when the spierer was made to commence this sewer, I found a man named Brady there, as he said, by Mr. McEvoy's direction.

1322. What do you mean?—He was there to watch every movement of mine, and to give information to Mr. McEvoy.

1323. Did he say so?—He did; and he remained there till I called the police, and had him removed.

1324. Was Mr. McEvoy then the chairman of the board?—I think he was.

1325. Did he place this man, Byrne there to report to him how the work was being done?—Yes.

1326. Was it for the purpose of seeing that the proper materials were used?—I really could not say. He reported that there was a bit of stone in the sewer, and that it would not work.

1327. Was he put there to see how the work was done?—To interfere with my movements.

1328. Did he interfere with your movements?—No.

1329. Was Mr. McEvoy's object to see that the work was properly done?—We had not actually commenced the work at the time.

1330. Was it after that you opened the sewer?—We opened it for the purpose of beginning before that.

1331. Suppose any ratepayer in the township chose to employ a competent man—say a clerk of works, or a man that he believed to be competent—to stand there from day to day, to see what materials are used, and that the sewer is properly built, would he not be justified in doing so?—He must not go amongst my men.

1332. If any large ratepayer, who had an interest in seeing the money of the town properly expended, said to a man, "I'll give you a couple of guineas a week to go there and take a note of everything you consider wrong," do you, as town surveyor, think you would be justified in giving the man an employed in charge of the police?—I consider that once I take charge of the ground no one has a right to enter it.

1333. Do you mean to say that no ratepayer has a right to go there and inspect the work?—He may, if he comes in a civil way.

1334. Do you not think the position of the town surveyor is that of a servant to the Town Commissioners, and not their master, and that he is also through them, in a sense, the servant of the ratepayers?—Yes.

1335. Would not the proper course for you, as town surveyor, if you considered you had a cause of complaint against a Commissioner or a ratepayer for interfering with you in the proper discharge of your duty, be to bring it before the Commissioners, and ask their instructions as to how you should act?—So I say also; and I was told to turn him off the ground.

1336. Who directed you to turn him off the ground?—No contractor will allow any one on his ground. He has full possession of it during the time the work is in progress, and I was in the position of a contractor.

1337. You were? Why do you say that?—Certainly, because we were doing the work ourselves.

1338. Do you not think every ratepayer in the town, as an employer in one sense, as it was the ratepayers' money was paying for this work, had a right to go there?—I was the contractor, as it were, doing the work for a certain sum of money.

1339. Do you not think the ratepayers have a right to see that this work is properly done?—But this was a very foolish thing, for it was done by the chairman of the Town Commissioners.

1340. Was no one to overlook your work?—Were

Kingsdown,

April 11, 1873.

Mr. Doyle.

Kinsearrow,
April 11, 1892.

Mr. Doyle.

you to be contractor and inspector both!—Yes, because I was carrying out the work.

1341. Is it, then, your notion that no one was to supervise your work or look after it?—No one.

1342. Is there a sewer being constructed at the Sandycove-road?—Yes; it has been constructed.

1343. When did you survey the works there?—I often did.

1344. When did you survey them last?—I think on Monday last.

1345. Has there been any plan upon which is set out the dimensions of the pipes along that road, and to what points they are to be connected?—Yes.

1346. Will you be good enough to refer to it?—They are in the contract plan.

1347. Will you let me see those plans?

Mr. FERRY.—We complain with respect to the dimension of the pipe sewers. It is in the pipe now being laid along the main road, and at one point it goes to join and connect with a larger one—a brick one, two feet larger, I think, than the new pipe sewer.

1348. Mr. EXHUM.—Have you any say plan or specification showing the distance that the fifteen-inch pipe was to go along the road?—Yes.

1349. Before you laid down your plan for the fifteen-inch pipe did you make yourself acquainted with the quantity of sewer that you intended to discharge into it?—I estimated that there were a certain number along the road.

1350. Did you, as a matter of business, learn what sewers were to be made provision for?—To be sure I did.

1351. Are there not two sewers on that road connecting into that pipe afterwards, and are not the dimensions of one of them eighteen inches?—I am not aware of that.

1352. Are there not sewers from several houses along that road of greater capacity than the sewer being now made?—I am not aware of that fact.

1353. Was it not necessary to know that before you laid down the size and levels of that pipe?—I think not. If a house has too large a sewer you are not to connect that.

1354. Do you know Lawson-leaves?—Yes.

1355. Do you know the houses opposite to it?—Yes.

1356. Are the works now at the gate opposite that?—Yes.

1357. Are you laying a nine-inch pipe there, and giving it a perpendicular drop of five feet into your sewer as a continuation of an eighteen-inch pipe that was insufficient for the requirements of Lawson-leaves above. Is that the fact?—I have not seen it. We have an inspector there on the ground. He could tell you.

1358. Has that man, up to the present moment, stated that to you?—No.

1359. Were plans made by you for the new sewerage where that is the character of the works to be executed—namely, that connections were to be made from a larger into a smaller pipe of nine or twelve inches?—They won't be made any larger at any rate; that is what has been planned.

1360. Is that so?—The others may be too large.

1361. As a matter of fact has the mouth of that pipe sewer at Lawson-leaves been open to view for more than a week—I mean the one down Lawson-leaves?—They are only up to it, and I say that a nine-inch pipe is quite sufficient.

1362. Are you aware of another sewer within a very few yards of that one, and of the same dimensions, that is to be connected with the sewer you are making?—No; I am not.

1363. When did you survey it?—I surveyed and laid down the levels; we have an inspector there.

1364. Has he any meetings with reference to this work?—He has.

1365. Do you know whether any old eighteen-inch sewers are there or not?—There are old rubble sewers.

1366. Then they are there?—Yes.

1367. Did you make yourself acquainted with the state of the existing sewers in the district before you laid your plan for this sewer?—I did not examine them.

1368. Did you think it necessary to ascertain the real amount of work to be done to carry off the sewage?—I certainly did that.

1369. Are you aware that that comes from a very large district, and that they are pumping off quantities into it?—Yes.

1370. Are you making provision for taking it away?—Yes.

1371. Mr. LAWLESS.—Mr. Pallas, in his report, a copy of which was published in the newspapers of the day, says, that in many of the streets and nearly all the courts and lanes, there is no provision made for drainage, and that where there are sewers there was a deposit of sewage mud in them, and that some were nearly choked up. Have you opened and examined them?—No.

1372. Do you know if they have ever been complained of?—Yes, many of them.

1373. Have the complaints been attended to and remedied?—I have seen a great many of them, and there is no deposit in them. At the time that report was made we had not the Vansitt water, and of course none or less deposit lodged in them. Since we get the Vansitt water we have them well flushed, and now even the old sewers are doing pretty well.

1374. Were those choked up sewers over-channelled?—I do not know. The points are not marked. As a rule, we do not clean any sewers.

1375. How then are you able to speak as to the condition of the sewers?—I am.

1376. And that they are in a fair condition?—Yes.

1377. Mr. Pallas at that time stated that the sewers were opened and examined, and many of them were found to be completely choked up, and you say you did not examine them to see if they are cleared out since?—No. At that time there was not a sufficient supply of water to flush them.

1378. When they were putting down the pipe in Lawson-leaves did you get the mouth of the other sewer cleared out?—It is not my business to see about that. It is the duty of the inspector.

1379. Who is the inspector?—Mr. Milligan.

1380. The man who is clerk of the works?—Yes.

1381. Mr. FERRY.—When I went there my tenant pointed out to me the manner in which this connection was being made. I asked did they clean out the mouth of the sewer coming into it. "No," they said, "the poor men would be poisoned with the stench coming down." I got one man to try, and he said the sewer was full, and we had to give him a glass of whisky to revive him after his experiment. So, you see, the whole sewage will be choked up just opposite to our door.

1382. Mr. LAWLESS (to Mr. Doyle).—Did you lay down any plan of the levels on which that pipe sewer was to be laid down?—Yes.

1383. Did you give instructions about the levels of the sewer at Lawson-leaves?—Yes.

1384. Has the clerk of works the section?—Yes.

1385. Can you tell what the fall is there?—I have a book on it to which I can refer.

1386. Did you take the levels yourself and put them eight pages to indicate the levels to the man?—The inspector did so.

1387. Should not that be done by the engineer?—I do it whenever there is any necessity for it.

1388. Is there not always a necessity for doing it?—Not at all.

1389. Will you produce the section showing the levels?—Of course. I'll bring you in the book.

1390. Mr. EXHUM.—Will you undertake to say that in all the sewers now being constructed—which are open and plain to be seen—that the water, or sewage stuff, is flowing freely through, and that there is no deposit in them?—There cannot be any deposit; there may be some water lying at some places.

1391. Is it stagnant or offensive?—The works are not finished yet, and, of course, there may be a little bit of mortar causing a partial stoppage of the water.

1392. Do you pretend that the water and sewage stuff is running through that pipe at Lawman-terram?—I dare say not.

Mr. FERGUSON.—I'll undertake to say that the sewer is half full now.

1393. Mr. EXHAM (to Mr. Doyle).—How do you manage to join pipes that have to be submerged in water in order to put them in their position?—You do them as well as you can. You must only have recourse to the very best means to do them.

1394. What was the very best means you had recourse to if you were laying them in water, as Mr. Ferrier says?—Well, the inspector will tell you that.

1395. Are you not the proper person to explain it?—I might be in another part of the town when it was required to be done.

1396. Did you see half a dozen of these pipes put down?—(No answer.)

1397. What is the fall there?—The inclination of the sewer there would be one foot in 275.

1398. Mr. LAWLESS.—What will the total length of that sewer be when completed?—The whole line of sewer will be, I think, about 2,200 feet.

1399. What number of sewers and of what size is to be discharged into this pipe?—(No answer.)

1400. Do you go on with the new work and connect the old sewers and pipes with the new one as you meet them by accident? If there are two 18-inch sewers, as we are told there are, which you have now made to discharge into a 9-inch sewer, is it your opinion that that sewer will be able to carry away the sewage from those others?—The 18-inch sewers are quite too large.

1401. Assuming that these 18-inch sewers were considered necessary at the time they were made, and that they are there, do you consider that a 12-inch pipe is sufficient to carry off the sewage from the 18-inch sewers?—The 12-inch pipe we have laid is quite sufficient for that purpose.

1402. Will it be sufficient to carry away surface water in case of floods?—Such waters must get off the best way they can.

1403. Mr. Falshaw, at the time reported that the sewer he suggested would not be sufficient except another sewer was provided for carrying away the surface water and that provision was also made for taking away heavy rain-falls, and his sewers were a great deal larger than yours?—I say they were smaller, and I do not consider Mr. Falshaw's authority on the subject.

1404. Let us see the specification for making this sewer?—Yes. (Specification produced.)

1405. What kind of bricks are to be used?—The best county Dublin grey stock brick.

1406. When did you inspect the works going on at that place?—Well, I am daily inspecting, unless something interferes; I am daily at the works.

1407. I can understand that as the ordinary duty of any man in your position?—I was there, I think, on Monday.

1408. Were you not there since?—No.

1409. Were they then building a man-hole?—Yes; I think they are up to a man-hole now.

1410. Is the lower portion of the man-hole actually constructed?—I am not aware.

1411. Do you get reports from your inspector?—No.

1412. Does he not give you a daily report?—No; I am at the works nearly every day.

1413. Are you then able to say if the lower portion of the man-hole is completed?—I'll see that when I go round.

1414. Do you know what kind of bricks are now used in the man-hole?—I have not seen them.

1415. Mr. EXHAM (bricks produced).—Do you see these bricks? Are they best county Dublin grey stock bricks?—Yes.

1416. Do you mean to say these are the kind of bricks they are building with?—Yes; one of them is a Boghall brick.

1417. Is that half brick a best county Dublin grey stock brick?—Yes.

1418. Where did you get them?—At McCormick's, Kill-o'-the-Groves.

1419. Is that a best county Dublin grey stock brick such as is referred to in the specification?—There is a difference of opinion about which sort of brick is the best.

1420. Suppose I had you employed as my architect, and that you put in the contract that you were to be supplied with the best county Dublin grey stock brick, would you order those off the ground?—No, I would pass them.

1421. Where do these bricks come from (pointing to some of the specimens)?—From Boghall.

1422. Where is Boghall?—In the county Wicklow.

1423. Is that according to the specification?—It is quite so good—better in fact.

1424. Every moment that you certify to the contractor, as you are bound to do, are you not certifying to an untruth?—No; they are quite as good.

1425. You admit they are not best county Dublin grey stock brick, no matter whether they are as good or not. You have a contract which provides that the contractor is to use a certain kind of brick, and you give him a certificate, on which money has been paid, that the works certified for have been executed according to the contract, while the bricks are not of the kind provided for in the specification. Was your certificate true?—Yes.

1426. If the brick used is got from Wicklow, and you certify that it is best county Dublin grey stock brick, I cannot see how it is true in that particular. You certify that it is done in accordance with your specification?—And to my satisfaction.

1427. Have you any power to vary the contract and specification?—Yes.

1428. When is there any such power in the contract?—(No answer.)

1429. Suppose it was to be made of fire-brick and cement, would you have the power, according to your opinion, to allow the work to be done with Boghall brick?—That is a different matter.

1430. Are best county Dublin grey stock brick and Boghall brick not very different?—They are.

1431. Recollect what the contractor tells you to do—

"I hereby offer, tender, and agree to construct sewer and other works in accordance with the plans and specification, and to the entire satisfaction of the engineer."

So that he must execute the works according to the plan and specification, and to your entire satisfaction.

"Entire satisfaction" is additional. Do you consider you have power to vary the plan and specification, and allow a different class of bricks to be used?—(No answer.)

Mr. PETER MILLIGAN examined.

Mr. Peter
Milligan.

1432. Mr. EXHAM.—Are you the clerk of works?—Yes.

1433. Did you ever see the specification?—Yes.

1434. Do you know that you should not allow any brick except the best county Dublin grey stock brick to be used?—I do. I notified the master to the surveyor, and he said the bricks were good bricks; but, "At the same time," said he, "we will go according

to the specification in the main sewer." I'll prove that the Boghall bricks are as good as the others; and this is the only nozzle bulk with them.

1435. You did your duty in informing the surveyor of the matter. What is the difference in price to the contractor between the two kinds of brick?—I don't say there are £3 3s. or £3 4s. at Boghall, but I do not know the price of the others.

Kinsale.

April 11, 1897.

Mr. Peter Doyle.

1436. Are the best county Dublin grey stock brick or the Boghall bricks the cheapest?—The Boghall are the deepest; the cost of carriage makes them dearer.

1437. Do you say that those (the bricks produced) are fair specimens of the bricks used?—I'll bring you some soon.

1438. How are the pipes jointed?—The collared pipes with manganese clay, and some with cement; the patent pipes are not jointed with anything; they do not admit of it.

1439. Have they been matched and fitted in the channel?—They could not go into one another if they were not.

1440. By whose direction do you use these materials for the pipes?—I first had an understanding with Mr. Doyle.

1441. From whom did you receive your directions?—From the specification in the first instance.

1442. Did you receive directions from Mr. Doyle?—Of course; he is the engineer over me.

1443. You say that cement was used for some of these pipes?—The tops of the pipes are generally joined with manganese clay, and the rest with cement.

Mr. EXHAM.—I was under the impression that Mr. Doyle said he did not allow any cement to be used. I think he said that no engineer would use it.

Mr. Doyle.—I did say that.

1444. Mr. EXHAM.—And yet he says he is using cement.

Peter Milligan.—A very small bit.

1445. Mr. EXHAM.—Did you not get the specification?—Yes.

1446. Did you read it?—Yes.

1447. Are you carrying it out?—No; I could not get the materials, because they are not in the country.

1448. Did you report that fact to Mr. Doyle?—Mr. Doyle saw it.

1449. What sort of pipes are you using in the sewer?—Collar pipes.

1450. Do you know the difference between socket pipes and collar pipes? Do you know what a socket pipe is?—I called them that.

1451. Are these pipes known as socket pipes? Did you ever hear of a socket pipe?—Yes; there are two ways of calling them.

1452. Do you know what a socket pipe is in the trade?—Of course I do know.

1453. This is the document prepared by the engineer under whom you are working; I ask you do you know as much of works what a socket pipe is?—Yes.

1454. Are the pipes used there socket pipes?—They are sockets and saddles both.

1455. Have they an internal diameter of the size required?—Yes.

1456. Do you know Jennings' patent pipe with a junction on the saddle?—I believe there is such a thing.

1457. Have you got any of them?—Not one.

1458. Have you reported that that part of the specification is not carried out by the contractor?—I do not think I did.

1459. Why? Were you told to let it go on?—No.

1460. Did you let it go on, though he was not carrying with contract?—I did.

1461. Then Jennings' patent pipe is not laid opposite each place where it ought to be?—No. The junction is on the side; a different pipe is used.

1462. Did you get at the time you began a plan and section of each new sewer to work by?—I had them ready to call upon if I wanted them, but I never got them.

1463. Did Mr. Doyle ever furnish you as clerk of works with a plan and section in order that you might go by them?—He gave me the specification.

1464. Was that the only guide you had?—Yes.

1465. Did he ever give you any level pegs?—Yes; he laid down pegs, and gave me the instruction.

1466. Do you mean to say that he laid down any level pegs?—He showed me the levels.

1467. How far apart were they?—About 100 or 150 feet apart.

1468. You say he showed them to you?—I would not know anything about them if he did not show them to me.

1469. (To Mr. Doyle).—I understand you to say that you did not lay down any level pegs?—I have done so frequently.

1470. Has the present contractor for the work any specification or written instructions as to the depth in which he is to go?—He has the specification and plans.

1471. Are the levels marked on the plan?—They are.

1472. Mr. LAWRENCE.—Has the contractor a plan showing the levels to which he is to work?—He has a tracing from the plan and also the specification.

1473. Has he a plan showing the levels on which he is to work?—Certainly.

1474. Will you show me one of those for Lawrence?—Yes. (Produced).

1475. Has the contractor an exact tracing of this?—Yes.

1476. How much is the depth at Lawrence?—Seven feet six inches.

1477. How many manholes are there on Glenagary-road, and how many on Sandycove-road?—There are three on Sandycove-road and two on Glenagary-road; we are not up to that yet.

1478. Are the pipes that are used along that road all run into one another?—Yes.

1479. Are they of the form indicated?—Yes; they are all of that form.

1480. Is the Glenagary-road sewer finished yet?—It is finished with the exception of some small fittings.

1481. On the 2nd of April last, your report says:—"the sewer in Glenagary-road is now finished," now you state it is not finished?—I think about £120 would pay for the small things that require to be done yet. The work is finished but there are some odds and ends to be put in.

1482. Is it part of the contractor's work to put those in?—Yes.

1483. Why then do you certify for him before he has finished; you say "I have certified for payment"?—That is not for the full payment.

Mr. JOHN CANNON examined.

1484. Mr. LAWRENCE.—Are you a masoner?—Yes. I can say that those (pointing to the bricks last produced and stated by Messrs. Doyle and Milligan to be good) do not represent the description or quality of brick used. They are superior to the general run of the bricks used in the sewer. Before

this inquiry was held, I remarked from my own observation that the bricks used were of a very inferior description—quite black and some of them broken, and it appears to me that severe contractors of such bricks could not be of a lasting character.

Mr. HORN re-called.

1485. Mr. EXHAM.—Was the want of a proper map showing the existing sewers ever brought before the board?—I brought the matter up when we got the Kingstown Extension Act, but I always thought that map complied with the terms of the section, and I only heard to-day that it does not.

1486. It does not show the levels or anything, and

is not on a proper scale. Did you not know that?—In the year 1817 Mr. Fallon got a sum of money voted to take up the entire town and show the sewers. The surveyor has a small map but not one of the proper size.

1487. He says he has not corrected it since!—Yes, that is so.

1483. Was there a map of the sewers made by Mr. Pallant?—There was a complete plan made by Mr. Pallant.

1483. Of what?—Of the internal sewerage of the town.

1485. Why was it not continued since?—I cannot tell.

1484. Were there complaints made against any other officer of the township in 1871 or 1872, except Mr. Doyle?—No; I do not think so.

1485. Was any minute or report of the board made against any of the officers in the year 1871 or 1872?—Only in connexion with those made with reference to Mr. Doyle, which you heard of before, so far as I recollect.

Mr. McEvoy.—The stockkeeper was appointed at £1 a week and dismissed in June, 1872, and I had to bring a subsequent stockkeeper before the board and he was dismissed also.

1485. Other than the complaint about Neale were any complaints lodged about stonemasons?

Town Clerk.—Yes. I remember a case in 1868 where a contractor was delivering Shankill stone. I was walking with two Commissioners and in one lot we did not think there was a ton. We sent it up to the market and it only weighed 15 cwt. A system of tallying the stone has been adopted since.

1484. Was there a report made by a special committee of the Town Commissioners on the 24th January, 1872, and adopted on 5th February?—Yes—the one I mentioned the other day about the alteration in the mode of keeping the books.

1486. Suggested by Mr. McEvoy.—Was it not adopted in consequence of the trouble they had previously about stonemasons?

Town Clerk.—Yes; it was done for the purpose of correcting those things.

1485. Mr. LAWRENCE.—So far as you are aware, have the recommendations of the committee which were adopted by the board been carried out since then?—Decidedly; we have since kept in the groove we got into then.

1487. Was there in 1872 any effort made by the Town Commissioners to carry out the Public Health Act of 1860?—Yes, we commenced to do that in 1871.

1488. Did you appoint a staff then for the purpose of looking after the sanitary condition of the town?—Yes.

1489. Did you increase the staff?—Yes; we then appointed an additional police sergeant to act as sub-sanitary officer.

1490. When was that?—It was at the very first meeting of the Public Health Committee on the 3rd May, 1871.

1491. Did you form a Public Health Committee in that year for the first time?—Yes; under the Sanitary Act of 1866.

1492. Did they endeavour to carry out as well as they could the provision of that Act?—Yes; and devoted a great deal of time to it. I was directed to apply to the Commissioners of Police on behalf of the committee for the assistance of some police to assist in carrying out the Act and we got a sergeant.

1493. You paid his salary?—We paid his full salary.

1494. Have you since continued the same course, or did you continue it up to 1874?—Until 1874. We kept the police sergeant till 1874, and then dispensed with him.

1495. Did you ever, or the board so far as you know, find that any of the officers thereof differed in the way of carrying out the instructions of the Commissioners from time to time?—I should say not.

1496. Did any of the officers of the Commissioners give evidence against the sanitary officers of the Commissioners in the police court?—I cannot charge my memory with that now. Having dispensed with the police sergeant in 1874, we found it necessary to appoint another police officer so that we have now one. We thought in 1874 that one man would be able to do the work.

1497. When was the police sergeant dismissed?—Early in 1874, before the Act of that year was passed.

1498. On what grounds was the man dismissed?—He was appointed full sergeant, and that, of course, increased his pay.

1499. Did they then appoint another man in his place?—No. The reason we dismissed him was because we thought at the time that one man would be sufficient.

1500. Did they then appoint another man as one of your sub-sanitary officers?—In September, 1874.

1501. Do you believe, from your knowledge of the feelings of the ratepayers generally, that they think this building unsuitable for the purposes of a town hall?—I believe the vast majority of the ratepayers are in favour of having a more respectable building.

1502. With regard to the court-house—how far have prisoners to be brought to the present court-house?—It would be only for a civil hall court-house we would want it.

1503. What was the date of the borrowing of the £1,700 that was raised—the balance of the £2,000?—November 14, 1876.

1504. The Act of Parliament says that in raising money you are to state for what purpose you require it. For what purpose was it stated that the £1,700 was required?—It was stated to be required under the Kingstown Extension Act.

1505. Mr. LAWRENCE.—This Act increases the borrowing powers of the Commissioners under the Act of 1859, and the Act incorporated therewith, by £3,000 in addition to £16,000?—Yes; that is £19,000 under the Act of 1869, and £3,000 additional under the Extension Act, 1874.

1506. And says that the money borrowed shall be applied for the purpose for which they are so borrowed?—Yes.

1507. I think you mentioned that it was under the 5th section of the Act of 1869, and the 28th section of the Act of 1871?—Yes; it was under the provisions of the 28th section that we applied for the £3,000; but we borrowed the £1,700 for paving-laying in the transferred area, and the £1,700 for general purposes, chiefly to pay Sharkey's costs under our Act of 1874.

1508. "Such money" (reading 28th section, Act 1871) "shall not be borrowed until the estimate of the amount required is laid before the Commissioners six weeks before the expiration of six weeks after public notice has been given in the public newspapers of the purpose for which same is to be applied." Was that done? Yes, the collector did that.

1509. For what purpose did he state the money was to be borrowed?—I do not know he kept a copy of the papers; that was copied out.

1510. Do you remember what he stated in the newspaper notice was the purpose for which it was to be applied?—Everything required by the 28th section was done by Mr. Lister, our solicitor. He conducted the proceedings under that section.

1511. Was there an estimate in the first place of the money required by the Commissioners as a body?—Yes.

1512. Was public notice given of the amount proposed to be borrowed?—Not for the £1,700, but there was for the other sums.

1513. How did they give that notice?—By advertisement.

1514. And the purpose for which that is to be applied?—Yes.

1515. Have you got the paper containing the advertisement?—I have not.

1516. "Secondly," (reading) "such money shall not be borrowed except for permanent works, nor without the sanction of the Chief Secretary"!—I'll take a note and get you all the documents with reference to this matter.

1517. Are the people here allowed to keep manure collected in their yards?—We constantly make them clean out their yards.

1518. Mr. Craig is one of your sub-sanitary officers?—Yes, one of the two.

Evidence,
April 21, 1877.
Mr. Lister.

Witnesses.

April 11, 1887.

Mr. Keane.

1539. Who is the other?—The acting-sergeant I spoke to you of.

1540. Does Mr. Craig give his entire time to the business?—So far as I am aware he does, but I heard he collects rents for some parties. I asked him did that interfere with his duties as sub-sanitary officer, and he said he collected the rents in the evenings.

1541. Has he any other business? We were informed that he is deputy county cess collector?—He may collect some of the county cess. I am aware that he did so two years ago. I am not sure of that now.

1542. How much is his salary?—£1 a week, and £6 10s. a year besides; we pay Duffy's salary to the police authorities.

1543. Did not Mr. Craig for a long time only get 10s. a week?—Yes.

1544. The question is whether in a place like Kingstown you would not want his services altogether? What is Mr. Craig's position exactly?—As sanitary inspector he has £1 a week, and then we give him as sub-sanitary officer an allowance of £5 10s. per annum, making in all £68 10s. a year.

1545. Does he act as agent for any owners of property in Kingstown?—I should say to a very trifling extent—for one or two.

1546. We are anxious to know whether to your knowledge he acts as agent for any of the poorer class of houses in the town which it would be his duty as sanitary officer to inspect?—I am only aware of one instance case where a clergyman is trustee for some property—Mr. Craig collects the rents of it.

1547. Besides that is he deputy county cess collector?—I could not say that he is so for the last two years.

1548. Do these extra occupations—collecting rents,

and so on, interfere with his efficiency as sub-sanitary officer?—I should say not.

1549. Do you think that his position as agent for owners of small houses affects his willingness as sub-sanitary officer to interfere with those houses?—I do not think it would interfere with it.

1550. Do you think his being deputy county cess collector would interfere with the proper discharge of his sanitary duties?—Yes; it would take him outside the town, but he is only a sort of assistant I think.

1551. With regard to the people being allowed to keep mire in their yards, have you had reports made by your sub-sanitary officers with regard to it?—Every week. I have a good many reports about having mire removed.

1552. Do the sub-sanitary officers to your knowledge go about from house to house and make inspections?—To my knowledge they do that thoroughly.

1553. Because on Saturday when Mr. Euston and I were leaving here we saw round the first turn to you left a large quantity of old bed-mire as possibly could be, being taken through a dwelling-house from a very small yard, and placed on a cart opposite the door; from the quality we saw that collection must have been going on for a long time!—They have to take the entire town and inspect every house, whether it belongs to rich or poor.

1554. How often do they do that?—They are constantly doing it.

1555. I presume there is a sanitary committee?—Yes; and to show what they do, you will find that on 12th September, 1876, it was directed that the following summary of sanitary business for the past month be placed before the next monthly meeting of the Board:—

"One hundred and twenty houses and yards inspected; 86 actions to seize cesses were served; 29 cesses were cleared; 12 cesses pending clearance; 11 cesses were served; and 11 cesses were washed."

1556. How often does this committee meet?—At least once a month; frequently four times a month.

1557. Have you any means of knowing how long before that had these houses been inspected?—We have a weekly inspection of every place inspected.

1558. Does the sub-sanitary officer report to the sanitary officer?—They are in constant communication with the committee, and according to their instructions

they have to report to the medical officer of their district. I take directions from the committee and carry them out.

1559. Is any report made to you as to whether the recommendations are carried out?—At the monthly meeting we go into what has been done, and a report is made monthly.

1560. Do you keep that recorded in any book?—We do not keep a record of it, but I intend to get a copy of the form approved of by the Local Government Board and keep it. The book we used to have before the Public Health Act, was the same as that referred to by you the other day.

1561. What about the walls that used to be in the town?—They are all shut up.

1562. Is there a fever hospital here?—I do not think there is a fever hospital. There is the Rathdown Hospital which is a county hospital, and it is a fever hospital.

1563. Have you sufficient hospital accommodation according to your experience, for the poor of the town?—Yes; St. Michael's Hospital.

1564. Is there any mortuary in the town?—Not a public mortuary, but there is one in connection with the hospital.

1565. Have the Town Commissioners a mortuary establishment, or maybe, in any part of the town?—No.

1566. Have you any disinfecting apparatus in the town provided by the Town Commissioners?—No, we have not, but we compel parties to use disinfectants when necessary.

1567. Are you aware that the Public Health Act says you are to provide disinfecting apparatus?—They very frequently do disinfect at the cost of the rates.

1568. Under the 24th section you are to provide a suitable conveyance for the removal of sick people to the hospital?—That we have.

1569. Did you ever obtain an order under the 25th section for the removal of sick people to the hospital?—We never had any difficulty in getting the people removed, so that we never had occasion to proceed under that section.

1570. Have you known any case of infectious disease where the dead body was kept in a room where other persons were?—Yes; in one case, but I took precautions, and the body was buried the very day I heard of it.

1571. Where are the bodies of drowned persons put?—A house belonging to the coastguards is used as a morgue.

1572. Do you put in force the provisions of the Sanitary Acts with regard to vessels in the harbour when there are sick people on board?—Yes; it was done in a case of cholera that occurred some years ago.

1573. So far as your experience goes do you think the sanitary condition of the town is good?—I do indeed.

1574. Is there a place called Cross-avenue?—Yes.

1575. Do you think the sanitary condition is good about there?—So long as the houses remain in the sanitary condition of that district is as well maintained as it possibly could be—having regard to the bad class of houses they are; some having no yards, too narrow entrances, and so on. We cannot send men and carts up those lanes, and have to get them conveyed by men with barrows.

1576. Are there any sewers in these places?—Yes. Owing to the formation of Kingstown we do not require much drainage; there is a rapid fall in every direction.

1577. Do you water or wash out the lanes with a hose or anything of that kind?—We coverage them; we send the savengers through them.

1578. Are they ever washed out by a hose?—I suppose the washing carts could go up them!—No; we have a little open channel down the lane for the surface water, and that drains them very well.

1579. Taking a dry summer for instance, have you a hose for washing them from the hydrants?—We have a capital hose for that purpose, but whether it is used for that I do not know.

1570. Is there overcrowding in the houses in those lanes, or in any portion of the town?—Has there been any report from the sanitary officer to you on the subject?—We have seven or eight registered lodging-houses.

1571. Have you ever had any complaints made as to the number of people living or sleeping in the same room, so as to cause overcrowding and want of sufficient air and ventilation?—I cannot say that any formal complaints have ever been made here with respect to that.

1572. Have the sub-sanitary officers made any report on that subject?—I cannot say that they have.

1573. Is the Common Lodging-house Act in force here?—Yes.

1574. Are the rules and regulations sent in to the people?—Yes; a copy has been sent to each of them, and they give very little trouble.

1575. Do you look after the hole-and-corner?—We have only two now, and they are of no respectable a character that we have found nothing to complain of.

1576. Have you calculated the rate of mortality of the township to see how you stand comparatively?—I have.

Mr. M'Evoy handed in a return by which he made out the number in Kingstown to be as follows, for the last six years:—In 1871, 841; 1872, 235; 1873, 236; 1874, 307; 1875, 312, and 1876, 313. There is a great increase.

Witness.—I find there has been a general increase in London and other places that I compared with ours. In January, 1876, the death-rate in Dublin was twenty-nine, and in Kingstown eighteen per thousand of the population.

1577. Are there any public slaughter-houses here?—We have no public slaughter-houses; but we have registered slaughter-houses, that give us some trouble, because we have to inspect them weekly.

1578. How many are there?—About eight or nine.

1579. Are they well looked after?—We take care to look after them thoroughly, because we are aware of the danger that is likely to result, if it is not done.

1580. Do the Commissioners look after the throwing out of nuisances in the streets?—Yes; and they try to prevent it.

1581. Mr. FERRIS.—I have been in the habit of going up the Fortyfoot-road, and it is really disgusting to see the quantity of filth left there. I directed the attention of the police to it—brought a policeman back to where I saw the nuisance, and he told me he understood the Town Commissioners gave permission to leave it thrown into the streets—that it would be taken away at night.

Witness.—We never gave permission to do that.

1582. Mr. LAWRENCE.—Is there a want of accommodation at the rate of the houses there?—Yes; in places where we found an accommodation of refuse of any kind we took care to have it removed; but failing

we had some difficulty in carrying out our intentions, we compel them to remove it, or we do it ourselves and charge them 5s.

1583. How long, or how many removals does that pay for?—Only for one removal.

1584. Have the houses from which that removal is made privies or closets?—They are very dirty people, and throw it out of their front doors.

1585. Do you know whether those houses have privies or not?—They have been marked by the police, and I have set them to watch them.

1586. Have the Commissioners here, as the sanitary authority, done anything to provide sanitary accommodation for houses where such does not already exist?—We have.

1587. Has it been done?—Yes; in many cases new privies have been constructed, and old ones put in proper order.

1588. I understand Mr. Ferris to say that this throwing out of filth comes from the better class of houses?—No; he mentioned a respectable locality, of course, but there may be a poor class of houses near it. It is one of the best parts of Kingstown.

Mr. FERRIS.—It seems to be the universal practice down Wellington-street; in Patrick-street there are houses that have no room for accommodation.

1589. Mr. LAWRENCE (to Town Clerk).—Are there houses in Patrick-street without any room for accommodation?—There was a case there where we had to get a privy and water-closet constructed.

1590. I am informed that there is no accommodation to the world there; that the nuisance night after night is thrown on the main road; and that you would be afraid to walk there. Is there any means there, any space, for having proper accommodation constructed?—No.

1591. Mr. EXHAM.—Why then do you not take proceedings to have them closed up as unfit for human habitation?—In some cases we have done so.

1592. If they have no accommodation, and have no means of making accommodation, the Act of Parliament says you can take proceedings to have them closed up as being unfit for habitation?—We made one of these houses into a water-closet for the use of the rest of them.

Mr. FERRIS.—A great deal of all this arises from the privilege given to the shops to turn out their unwholesome articles into the streets.

1593. Mr. EXHAM (to Town Clerk).—Has Mr. Craig or Mr. Duffy made reports about the great number of houses which are without accommodation, and means of providing accommodation?—Have you ever received a report from either of the sub-sanitary officers as to their condition?—Yes, in the case of Baymount-court and also of Malgrave-street, and we dealt with them.

1594. Were they closed up?—In two cases they were closed up.

Mr. NOGERT examined.

KINGSTOWN,
APRIL 21, 1876.

Mr. FERRIS.

Mr. Nogert.

1595. Mr. LAWRENCE.—You have to complain of the sanitary condition of some houses?—Yes.

1596. How many houses do you refer to?—From what I know of the locality there are five or six, but there may be more.

1597. (To the Town Clerk).—Are there more districts in the same condition?—There are places in the town where the houses are so constructed that privies or closets cannot be made.

1598. Should you not then proceed to evict them to be closed up? What are the sub-sanitary officers doing up to this time not to report these places, if it be the fact they have not reported them?

Mr. BARRETT (chimneyman).—I never knew of any report being made by them.

1599. (To the Town Clerk).—Can you point out any report relating to this place called Patrick-street?—No, I cannot.

1600. I find here a report having regard to the

other matter we were dealing with, the drainage (Roads):—

"See Note, 1876. As to the defective drainage of Glenavy-road, and the necessity for having a mile drain constructed in one place."

Yes, and we did so. I know the house there from which we got the complaint.

1601. Mr. EXHAM.—These poor class of people won't make complaints, and neither, of course, will the landlords. The landlord will squeeze what rent he can out of the tenants, and they simply wish not to be disturbed, but allowed to remain in the condition they are in. The police don't interfere, because they cannot catch them, and the only remedy is by your enforcing the Act of Parliament, and saying, "if the proper accommodation is not provided, they are not fit to be inhabited, and you must close them."

Town Clerk.—Since my attention has been called to the matter, I'll have it attended to.

Kilkenny,
April 11, 1875.Mr. John
Henry.

Mr. JOHN HENRY examined.

1602. Mr. LAWLESS.—What is it you wish to say, Mr. Henry?—A number of years ago I applied to Mr. Wise about sixteen houses in my neighbourhood; there was no ventilation.

1603. Were those your own houses?—No; every house of mine has a privy and ashpit. Mr. Wise inspected them, and said he would see that they were provided with privies and ashpits, but he did not do so.

1604. Where are those houses?—On Pery's road. I want to call your attention to a slaughter-house at the end of the road; it is not licensed, and it is in a great nuisance. I got twenty-one names signed to a petition about it and Colcock Lake sent a remonstrance.

1605. When was that?—It is some years ago.

1606. Is the slaughter-house there now?—Yes.

1607. And unlicensed?—Yes.

1608. Where is it?—At the corner of Adelaide-road.

1609. Who is owner of it?—A butcher named Farrell. The blood from the slaughter-houses runs out on the footpath.

1610. (To the Town Clerk).—Is there a butcher's shop or slaughter-house at that place?—Yes.

1611. And is Farrell the owner of it?—Yes.

1612. Is it registered?—I believe it is not. We sought to prevent him from having the slaughter-house but we could not, because he was in the position occupied by those who had slaughter-houses before the adoption of the Act. We did not like to register him, it not being a fit place to have a slaughter-house.

1613. Do your people inspect it?—The sub- sanitary officer inspects it now, and makes him keep it clean and remove the offal and refuse every week.

Mr. Henry.—The cause of complaint is there still.

1614. (To Mr. Henry).—Have you seen the blood there lately?—Yes; and I have called attention to it lately.

Town Clerk.—It is one of those we watch very closely.

1615. Mr. EXHAM (to Mr. Henry).—Did you say that he boils down offal for pigs there?—Yes; I positively declare that sometimes I have to hold my nose on account of the smell.

Mr. Kelly (a Town Commissioner).—I remember that we took the opinion of the doctor, and he said it was not a fit place for a slaughter-house.

1616. Mr. EXHAM.—You know as well as anyone else, that if what Mr. Henry says is correct, he could be indicted for causing a nuisance?

Mr. Kelly.—We have been very active about it.

Town Clerk.—So far as Mr. Henry's cause of complaint would arise from the defective sanitary arrangements we remedied it as far as we could, but if the nuisance exists there he could take an action against the man.

1617. Mr. EXHAM (to Mr. Craig, sub-sanitary officer).—Do you know this place?—I do.

1618. Where is it?—At Adelaide-road.

1619. Mr. Henry says the blood from the slaughter-houses can be seen coming out into the road, and that Farrell boils the offal for pigs on those premises?—I visited that place and got it cleaned every week, the offal removed, and the slaughter-houses washed out. I was there on Friday morning last.

1620. Has he pigs there?—Yes.

1621. In the yard?—Yes.

1622. How near the public parkway?—It is alongside of it.

1623. Mr. LAWLESS.—I find here Mr. Henry, of Adelaide-road, mentioned as having residence at No. 10, Eden-row; the yard in a filthy state, and the want of proper privy and ashpit accommodation for the tenants?

Mr. Henry.—They had a good privy, but it was pulled down and I caused a new one to be made. The tenant tore off the roof of the privy, and it was used for firewood.

1624. Mr. LAWLESS.—I remark here a great many reports by Mr. Craig?

Town Clerk.—Yes; we have divided the town into two districts. We give the larger one to the sanitary sergeant, and the other to Mr. Craig.

1625. Have you ever had any report about the sewer leading down Crofton-avenue?—We have dealt with that place.

1626. Mr. EXHAM.—There are a number of houses in Upper George's-street reported on 13th January last. What did you do before that? Were you ever in any of these places before?

Mr. Craig.—Perhaps the week before.

1627. That could hardly be, because you say the yard are in a filthy state.

1628. Mr. LAWLESS.—In 1874 the yard at the rear of Mrs. Hanlin's property was in want of a connecting drain. Was that made?—Yes.

1629. I see here a butcher named Sheridan reported. Has he a license?—We treat him in the way we treat Farrell. Farrell and he have a privilege—that is, they were not interfered with.

1630. You reported him as having a large heap of mire at Benonymore-road?—I served a notice on him to have the slaughter-house cleaned out; he did so, but he brought the mire from the slaughter-house to a field at Benonymore-road, and we had to notice him to get him to take it out of that.

1631. Was the case of Mr. Tools, in Tuckholme, which I see reported here, attended to?—Yes; you will see it indicated on the back of the notice.

1632. You had to issue a summons in that case?—Yes.

1633. There seems to be a nuisance down in Wellington-court, which we saw; it is as if something was coming from a privy or ashpit through the wall into the street?—It is from the water-pipe.

1634. Was it examined?—Yes; there was a complaint made about it, and Sergeant Duffy went and examined it.

1635. Mr. EXHAM.—Has anyone been looking after the Sallinsginn district?—Yes.

1636. What has been done with regard to it?—A number of parties were brought up, and the neglect gave them a month to do what was required.

1637. What has been done there since 1874?—It only came into our township since 1st January, 1875.

1638. James Rourke is reported here, on the 27th January last, for having his yard in a filthy state, &c.—When it came to the proper time he was summoned, and an order was made to abate the nuisance.

1639. Nothing appears to have been done with regard to Sallinsginn until very shortly before we came here?—Yes; but, as you see, it is only one year a part of our township.

1640. Was it not part of the township brought in under the Act of 1874?—Yes; but the Act did not come into operation till the 1st January, 1875.

1641. But why did you delay attending to it during the whole of 1875 and 1876?—(No answer.)

Mr. Craig.

APRIL 12, 1877.

April 12, 1877.

Mr. DODGE recalled.

Mr. DODGE.

1642. Mr. LAWLESS.—Do you propose to alter the levels of the sewer to be made in Lower George-street?—*Yes.*

1643. Is that to lighten the expense of making the sewer?—It will lighten it in this way—

1644. Is it with that object?—Certainly it is.

1645. What is the length of that sewer?—I think it is about 300 feet.

1646. Do you propose to alter the level of any other sewer?—I do not.

1647. Will you be able to lighten the expense of any other sewer?—The tender will tell that, I presume.

1648. What was the tender for George-street?—£1,400.

1649. And you estimated it at £1,600 odd?—Yes.

1650. That being so, do you now wish to qualify your answer the other day as to the efficacy of the work?—No. I do not want to qualify it.

1651. My recollection is that you admitted that by making that alteration the work would not be so effi-

cient;—If reduced to any extent it would not be so efficient.

1652. But even in altering it to the extent of 300 feet—that would not alter its efficiency in the slightest.

1653. Of your knowledge did any of the contractors ask for larger prices in consequence of their belief that the work was to be made through rock?—They thought it was to be rock all through.

1654. How did you find that out?—They told me afterwards.

1655. What contracts were those?—For Upper and Lower George-street.

1656. Who was the contractor?—There are several contractors—Mr. Long, Mr. Dickson, and Mr. John Fleck.

1657. They told you, and you believed their statement to be true?—Yes.

1658. Upon that belief did they fix their prices?—Yes. The contracts have not been accepted as yet. In consequence of the tenders being so high they were not accepted, and the contract is open yet.

Mr. WILLIAM COLE examined.

Mr. William Cole.

1659. Mr. EXHAN.—Do you collect rents for some people in the town?—I do.

1660. For how many persons?—I think for four persons.

1661. Are they owners of any of the small houses in the town?—They are.

1662. Are there any of those for which you collect the rent without accommodation?—No.

1663. Are any of the persons for whom you collect the rents the owners of any houses in the town which have no accommodation?—They are not.

1664. Are they the owners of any houses in the town which have insufficient accommodation?—We might improve them from time to time.

1665. Have they been improved so that they are all right now?—Some of them are being improved. There was one of the houses full; it is built now, and the Commissioners were paid £4. for taking away the contents of the dust-pit which is now in progress of being improved; that is the only one.

1666. Have you anything to do with Maher's-court?—No; I do not collect any rents out of it.

1667. Mr. LAWLESS.—What are the districts in Kingstown for which you collect rents?—Between York-street and Mulgrave-street.

1668. How came you to make a deduction for reduction of rates of houses in Maher's-court?—I made no deduction.

1669. Do you collect rents for any gentleman who is a member of the Town Commissioners?—No; I do not. Certainly not.

1670. Do you know whether any of the Town Commissioners own house property throughout the town?—A good many of them do.

1671. Do they own any of this small description of property?—No, I think not; I do not think they own any weekly tenements, except one or two.

1672. Do any of them, to your knowledge, own any property in which there is not sufficient accommodation in the way of privies or water-closets?—One of them does. We made some improvement lately in Patriotic-street; we did not consider the sanitary state of the place good, and we made some alterations.

1673. Did it remain in that state from 1874 until then?—Yes; except when the dust-pit would be filled up, and was cleaned out. We made a water-closet in it now.

1674. When was that done?—It is not completely finished yet.

1675. Is it being done?—Yes.

1676. Is one of the Commissioners the proprietor of that place?—Yes.

1677. Do you know of any property of any other

Commissioners, the houses on which are not sufficiently provided with privy or sub-pit accommodation?—There is a range of houses on the other side of Patriotic-street which have no rents.

1678. Are they the property of a Commissioner?—No, they are not.

1679. You say these houses have no rents at all?—No, they have not.

1680. Have you reported the condition of this place?—I have always; I served a notice a few days ago on the gentleman who was the joint owner of the premises.

1681. Do you collect rents outside the township for anyone?—No, I have mentioned the only place.

1682. Do you collect county cess?—Yes; when I got this situation I had that collection.

1683. How far does the boundary extend?—I only collect as far as Strandhook, and up to Killiney and Penbaeke.

1684. That must take up a good deal of your time?—Three hours any day would be enough.

1685. Do you collect as deputy?—Yes.

1686. These collections are made twice in the year?—Yes; the subsidy I have from the Commissioners would be of very little use to me. I collect the county cess with the full knowledge of the Commissioners.

1687. Was you deputy cess collector when you were appointed sub-surveyor officer?—Yes, but at that time I also had Dalkey to collect.

1688. Do you make your reports to the doctor?—Yes, always.

1689. In certain cases do you serve notices yourself, without reporting to the doctor?—Yes; verbal, not written notices.

1690. Do you find the present system with regard to procuring the abatement of nuisances, efficient?—The system is very bad.

1691. Are you not bound to serve written notices under the Act, and not to give verbal notices?—If a man is guilty it would not be right to bring the doctor without asking if they would abate it.

1692. Do you know that to make the thing efficient you must serve a written notice, and specify the time within which they must remove the nuisance?—I do.

1693. Do you know a place in the rear of 9, Wellington-street?—I went down there last night, and saw it was perfectly clean. I also called Mr. Healy to inspect it, when he was going home. It is perfectly clean.

1694. It is said there is a privy inside, and it seems as if there was something seeping from that through the wall?—You will find it is not sewage stuff.

1695. On the 2nd April you got 5s. for cleaning it?—Yes; and it was cleaned on the day following.

Kilkenny,
April 11, 1879.
Ms. Williams
Crol.

1696. Does the privy come up against the wall?—No; the dust-pit comes up to the wall. The privy does not come near it at all. The dust-pit is between the privy and the wall.

1697. On the left-hand side of Swan-place are there not a number of small cottages requiring accommodation?—There is a privy and cess-pit there. There are no seves to those cottages, but there is one privy common to all of them.

1698. Do you yourself own any property in the town?—I own the house I live in.

1699. Do you own any houses in Persilis-court?—No.

1700. How do you come to make a declaration for exempting the houses from the payment of the rates? Is this declaration of the 13th December in your handwriting (handing document to witness)?—I did that for the Rev. Canon McCabe.

1701. Were you his agent?—I was.

1702. At that time?—Yes; and still. It is a property left in trust to him for the poor of the parish by a gentleman who died.

1703. And was this house unoccupied?—It was, and is unoccupied still.

1704. Do you know anything about Maher's-court?—I know that the court, with the exception of two houses, has been unoccupied for nearly three years.

1705. Are you the agent for the houses in Maher's-court?—No; not now.

1706. Were you?—I was, sometime previous.

1707. How many years ago?—Three or four years.

1708. Is that your signature to that declaration (handing document to witness)?—It is.

1709. It is a declaration made by you for the purpose of exempting Maher's-court from the payment of the rates?—I think I did that for Mr. Redmond.

1710. You are not the agent for the property?—No; but I am acquainted with the place, and many a time I made the declarations for Mr. Redmond.

1711. How did you know but Mr. Redmond had that place let?—The houses are unoccupied still. Mr. Redmond is in the rate collector.

1712. Was it to oblige Mr. Redmond you made the declaration this year for No. 117 in that street?—It was.

1713. Do the Commissioners, in order to exempt persons from paying the rates, require evidence by some other person that the place is unoccupied?—The house was unoccupied then and is so still. My making that declaration might be an irregularity, but there is no fraud.

1714. It is strange to find a person in no way connected with the premises, either as owner or agent, make the declaration. The landlord may have been letting it and getting rent for it from persons who do not want to pay the rates?—I would know if it was let.

1715. We have had an instance here of making declarations. Would you have made a declaration if Mr. Crosswhite had asked you to do it?—No; because I knew he was living here.

1716. Were those premises in Maher's-court shut up altogether?—Yes; they were.

1717. Why do you say in the declaration, "unoccupied, save by a caretaker"?—There is no caretaker in it at all.

1718. Are the premises of the Rev. Canon McCabe in a proper sanitary condition?—Yes; there are two excellent privies in them.

1719. Have you ever had occasion to serve notices under the Sanitary Acts on premises for which you were agent?—Yes. If Canon McCabe's required to be cleaned I would serve a notice on him. When he gave me instructions I would pay the Commissioners and have the staff carried away.

1720. Is Maher's-court unoccupied altogether?—There are only two persons living in it.

1721. In what sort of condition is the court?—I may have served notices on the persons to have it cleaned.

1722. Is there proper sewage there?—There is.
1723. Do you ever flush these houses?—That court has flushed.

1724. Are the lanes through the town as a rule flushed?—We were told there were some into which the carts could not enter—I have them flushed quite clean, and if I see that they require it I serve notice, and the men are sent in again and sweep them.

1725. I heard Mr. Doyle say that he had nothing to do with these lanes?—I get that done.

1726. Do you know the new sewer in Upper George's-street?—I do.

1727. Have you served the owners of the houses adjacent to that sewer with notices to make connecting drains?—What part of it?

1728. All along the new sewer?—There was an old sewer there previous to the construction of the new one, and they had all connections with it. They also made connections on the construction of the new sewer.

1729. Do you say all the houses are connected with the new sewer?—I do not know, but they are supposed to be connected.

1730. Is it not in your department to see if every house is properly connected with it?—When a new sewer is constructed, and the surveyor informs me that any houses require to be connected, I serve notice on them and see that they do it.

1731. Do you serve notice on persons to construct connecting drains only when you are called upon to do it by the surveyor?—When a new sewer is made I consult with the surveyor, and get the names of the persons, and make a report to the doctor. He then repeats to the committee, and when that has been done I serve notice on the people in the usual way.

1732. Can you say if the houses on the north side of Upper George's-street now have connecting drains with the main sewer?—I cannot say; I do not hear any complaints in that neighbourhood.

1733. Don't mind about complaints. Is it not your business, under the Public Health Act, to see that they are connected?—It is, but, you see, supposing I inspect the roofs of those houses, and that I do not find any nuisance existing, I cannot say whether they require it or not.

1734. Have you got in the Commissioners' office any map or plan to enable you to ascertain whether or not any particular house in Kilkenny is connected with the main drain?—I don't know; I do not look at any plans.

1735. Have you ever seen such a thing in your guidance?—No.

1736. The Act of Parliament does not say there must be a nuisance existing before you compel the people to connect?—Sure there must be a nuisance before I can act. I am sanitary inspector for some time, and I never saw a sewer wanted for that part of George's-street.

1737. Do you consider it your duty, suppose you know there is a house not connected with the main sewer, to cause a connection to be made?—Certainly I do. To the best of my belief there are all connected with the Fortyfeet-end sewer from the lane at the rear.

1738. Are there any written instructions or directions given to you by the Commissioners?—There is nothing written out.

1739. Is there a by-law?—Yes. I have to attend daily and examine whatever nuisances are complained of.

1740. Those (referring to by-laws) are before the Sanitary Act. Are they the only instructions you ever got?—Yes, except such as I receive from time to time. I get instructions enough.

1741. Were there any by-laws made since those of 1870?—No.

1742. Can you say is there overcropping in the poorer class of houses in the town?—You mean the lodgings-houses?

1743. No; but where a number of families perhaps

Ever in the same house, how many persons may there be in a small room? Have you ever measured any rooms in that class of houses to see the space given to each person?—Not except in the nighting lodgings. When the place is not a common lodging-house I think we have no right to interfere with it in that respect.

1744. Do you know whether or not the houses of the poorer class are occupied by a large number of people?—I think not. The poorer class of people have nearly all left Kingstown. There is no employment here now for people of the labouring class except a little on the jetties from the Harbour Commissioners. Some time ago, when I was in the police, we had a good deal of trouble with them, but at the present time there is no overcrowding.

1745. Do you inspect the common lodging houses regularly?—Yes, and we disqualified a good many of them. We have a new class of lodging houses now.

1746. Have you by-laws for their regulation under the Act of Parliament?—Yes.

1747. Are copies of those sent to the lodging houses?—Yes.

1748. Do you see that they are carried out?—Yes.

1749. Have you looked at that slaughter house of Farnell since it was released to him?—I was there the other day. It is very few cattle he can slaughter in it; he has only a few sheep. Sometimes I inspect it twice a week.

1750. Was Farnell prosecuted?—I brought him sometime ago before the magistrates, but he got a privilege, and the Commissioners did not prosecute in the prosecution.

1751. How did the magistrates deal with it?—The Commissioners withdrew the summons.

1752. It has been stated to us that Farnell's slaughter house, situated as it is, is a nuisance from its position?—It would be a nuisance the same as others, if neglected.

1753. But the others are registered, and you say you exercise supervision over them, and this one is not registered?—I know that summonses were taken out, and that the master dropped, and I know nothing more about it. There were three persons summoned—Murphy, Sherrill, and Farnell.

1754. Do you know about Sandycore harbour so as to whether the pipes are emptied there at high-water mark, instead of being carried down to low water, and

whether there have been any complaints made as to the stench; also, if the coping is broken, and the iron pipes are scattered about the harbour; and how long it has been in that condition? First of all, is that place in your district?—Yes. The wall has fallen recently, and of course it is in an unfinished state.

1755. Were the pipes, to your knowledge, last summer, continued from above high-water mark to low-water mark?—They were.

1756. They were not scattered about?—No.

1757. How many of these drainage pipes are there leading into Sandycore harbour?—There are a great many.

1758. Are the pipes large enough to do the work efficiently?—No, I consider they are very inefficient.

1759. In the heat of the summer last year was the sewage lying on the street in a state as if it was boiling?—I inspected the place nearly every week, and on some occasions there was a good deal of what you describe, and on others there was none at all. It will be always so unless the pipes are run down the whole way.

1760. Was it caused by the pipe not running out far enough?—Yes.

1761. When were those pipes laid?—They are a long time laid in Sandycore harbour. They were repaired there several times.

1762. Did they hold together for a week after they were repaired?—They did.

1763. Did they for a fortnight?—They did.

1764. Is the point at which they discharge near a bathing place?—It is quite close to two bathing places.

1765. Have you ever reported a nuisance caused by a slaughter house in Mulgrave-street?—Yes.

1766. When did you report it?—It has not been used as a slaughter house for more than two years. There was no slaughtering carried on in it since Mr. Flaming went to America.

1767. In what condition is the place now?—There is a dust pit in it now, which has been cleaned out recently.

1768. Have you had occasion to report it recently?—I had.

1769. When?—Not long ago; but not as a slaughter house.

1770. What was the nature of your report?—That the privy and adapt required to be cleaned.

Mr. JOHN BUCKLEY examined.

Mr. John Buckley.

1771. Mr. LAWLESS.—You are a ratepayer, Mr. Buckley, and wish to give some evidence, I believe?—I wish to say that I expended £17 4s. 8d. on a sewer in Upper George's-street. There was nothing but a loose rubble sewer there, and when there came a heavy rain-fall it flooded the basement of my house. The sewer was so defective that it drained into my house, instead of going into the main sewer.

1772.

When was that old sewer made?—It has never been interfered with at all; that is what I complain of. 1773. Is there a sewer in George's-street, opposite your house?—Yes.

1774. How you more than one house there?—I have four.

1775. Are these houses connected with the main sewer?—I am not aware.

1776. Do you mean to say that you had to divert the sewer that runs from Northumberland Avenue to George's-street in order to prevent it from going into your houses?—Yes.

1777. When was that done?—Some eighteen months ago.

1778. Were you ever called upon to make connect-

Mr. WILLIAM REED examined.

Mr. William Reed.

1779. Mr. LAWLESS.—In relation to what part of the township do you wish to give evidence?—To Willesborough-street. I am owner of the south side of it.

1780. Do you reside there?—Yes, in the summer months. I constructed a sewer there from my house

to the sea. In September last year I found there was a stoppage in it, and I caused it to be opened on my own premises. I may say that a lady, my neighbour, continued the sewer down to the very sea wall.

1781. Is your cottage to the seaward of her place?—K.

ROSEBROWNE,
April 15, 1887.
Mr. William
Reid.

Her land is to the seaward of my cottage. There are a couple of old stables between my place and the sea. I had this sewer opened on my own premises, and I found a lot of stuff in it and a bad smell, and I then reported it to the Commissioners. Dr. Newland, the medical gentleman here, saw it, and after a good deal of trouble indeed, we got the sewer, as I thought unblocked, but it became stopped again, and the stoppage was caused by Miss Williams, who was the landlady. When her sewer was opened—in fact the pipe had to be broken—the surveyor saw it himself; we found that there was an obstruction placed in the nine-inch pipe, and that caused the stoppage.

1788. Is this sewer, of which you complain, entirely on private property?—It is entirely on private property. This sewer ultimately comes through a sort of battery of stones in the sea wall, and after a great deal of trouble (in which I had to get this lady summoned) it was cleared, but I was told by the surveyor, Mr. Doyle, and I think also by Mr. Craig, that it would not be all right unless the mouth of the sewer was brought through the sea wall, that the stuff could not have gone. In my absence it was closed (I believe by the lady), and I believe also that the mouth of that sewer has not since been opened through the sea wall. I heard that Mr. Doyle stated yesterday that it was.

1789. He stated that the stuff permeated through the wall!—I cannot understand how, if the mouth of a nine-inch pipe is against the wall it can do that. The only proper course is to open it through the wall.

1790. How far is this from the main sewer?—The main sewer is in the centre of the street at Sandymount.

1791. Therefore it is a considerable distance from this place?—Yes.

1792. Is there a cesspool on Miss Williams' property, into which the drainage of her houses should go?—There is not.

1793. Is there no cesspool at all?—I think not.

1794. You do not know!—I am satisfied there is not.

1795. Would it not be the duty of the sanitary authority if she were within a certain distance of the main drain to compel her to connect his premises with it, or to make a proper cesspool?—The pipe should be run through the wall.

1796. The Commissioners have power to direct this lady to run it out through the wall, and if she does not comply with the notice at the end of the time specified therein, the Commissioners, through Mr. Doyle, can do it themselves, and charge her with the cost!—I actually offered to put the pipe through the wall at my own expense.

1797. To whom did you make that offer?—To the landlady, and I think Mr. Doyle is aware of that fact.

1798. Mr. LAWLESS (to Mr. Craig).—Is this in your district?—It is.

1799. When was the summons served on Miss Williams?—The pipes have been laid down the second time by Mr. Dickson the contractor.

1800. Have you got copies of the notices served upon Miss Williams?—No.

1801. Mr. EXHAM.—Do you as sub-sanitary officer consider that the work there was properly carried out?—I considered it was properly carried out then.

1802. Although it was not carried out through the wall?—It was put out through the wall.

Mr. EDWARD REED examined.

1803. Mr. LAWLESS.—Are you a Town Commissioner?—Yes.

1804. How long have you been a Town Commissioner?—Three years.

1805. What is your trade or profession?—I am a builder.

1806. Do you carry on that business in Kingstown?—Yes.

1807. Are you an owner of property in Kingstown?—Yes, a large owner.

1808. Do you know this place in Willmount Avenue, the property of Mr. Reid?—I do.

1803. Did you hear both Mr. Reid and Mr. Purvis say that it was not; and Mr. Doyle admitted yesterday that it was not?—It was made that way for the purpose of protecting it against the sand which used to get into the pipe and choke it up.

1804. Do you say that the pipe is carried out through the wall?—Yes. There is a battery of stones against the wall on the outside.

Mr. PURVIS.—The place happens to be beside my own house. It was given in charge to the surveyor, and the question is, has it been carried through the wall. It is easy to settle the matter, by just looking at it.

1805. Mr. EXHAM (to Mr. Craig).—When did you see it last?—I do not think I have seen it for the last month or more. When I saw it the repair had not been long finished, and Mr. Reid said it was done to his satisfaction.

Mr. REID.—I told you distinctly that there was a stoppage at the mouth—at what you called the battery wall. I showed you the stoppage.

1806. Mr. LAWLESS (to Mr. Craig).—Did you see this pipe put down?—I did.

1807. Did you see that it actually goes through the rampart wall?—Yes.

1808. Through it?—Yes.

1809. Could you see the opening of the pipe on the other side of the wall—supposing you were standing on the shore at low water could you see the pipe?—No.

1810. Then what is there built against it which prevents you from seeing it?—A loose battery of stones.

1811. How thick is that?—I could not say.

1812. Is it a mortar wall?—It is a masonry bulk wall.

Mr. REID.—My belief is that the pipe is below the foundation of the wall.

1813. Mr. LAWLESS (to Mr. Craig).—Do you consider this an efficient piece of drainage?—It worked right well then. It was finished completely, and it carried away the manure from his place.

1814. Do you know the condition of it now?—At present I do not; this gentleman never made a complaint to me about it since, so that I don't mind it was all right.

Mr. REID.—I did make a complaint, and called your attention to the way in which it was done.

1815. Mr. LAWLESS (to Mr. Reid).—Were you there at the time this work was being done; at the time the pipe was put in?—I was there up to the time the sewer was covered, but I did not see it covered.

1816. Were you aware that the pipe was not put through the wall?—I was advised of it.

1817. Did you know it at that time?—I did.

1818. Did you require the surveyor to do it?—I did, and I offered to pay the cost of doing it. I made the offer in the presence of Mr. Doyle and Mr. Craig.

1819. Did you require Mr. Doyle, or any of the officers of the Commissioners, to carry out that sewer through the battery wall?—Yes; Mr. Doyle said it was to be done.

1820. Did Mr. Doyle state to you that it would be done?—He did, and afterwards said it was properly done, but I found it was not, as it was not carried through the wall; the result is, that after a year or so the sewage will be coming back to my cottage again.

1821. In what state is it now?—I have not been there since October last.

to the main wall at the sea, and there is a hole in the wall there through which the pipe passes. Outside that wall there is a battery for breaking the force of the sea; it is totally a dry wall, and the sewage passes from the masonry wall into it, and then goes away. We will take up that pipe cover next the wall, and show that there is no sewage in it. Miss Williams does not wish to make a hole through the battery wall, lest it might affect the efficiency as a protection against the storms. She got it created for the purpose of protecting her property against the force of the sea.

1831. Is it your opinion that the pipe sewer in its present state—passing through those walls, is not efficient one?—It is.

1832. Mr. EXHAB.—Is there a space between the masonry wall and the battery?—The battery is up against the wall, and is composed entirely of dry stone. Whatever passes through the masonry wall trickles down this place.

1833. Is there any space between the two structures?—There is not.

1834. Must it not stop the flow of the sewage?—No.

1835. Of what sort of stones is the battery composed?—Of rubble stones.

1836. Are they large stones?—Not very large.

1837. What use can they be as a protection well if

they are not large?—I myself saw it, and I am quite satisfied that there is aperture enough to take the sewage away. There are only two cottages connected with this sewer.

1838. You say Mr. Read wanted her to carry the pipe through the battery, and you did not do it?—My superintendent told it did not require to be done.

1839. And it was not done?—No; we will open that portion of the sewer and show that there is no nuisance.

1840. Why did Miss Williams refuse Mr. Read's offer to do it at his own expense?—She was afraid that if there was a hole made through the battery it would spoil it as a receptacle against the sea.

1841. Did you advise her to that effect?—I did not advise her.

1842. If the battery is sufficient to protect her masonry wall against the sea, is it not also sufficient to prevent the sewage from passing out of the pipe?—No, it is not.

1843. Were you present when the sewer was opened?—I was.

1844. Did you see any obstruction in it?—Miss Williams put down something for the purpose of stopping his sewer, because he did the same to her.

Mr. Read.—I offered to remove that, if she opened the sewer, so as to have a perfect run into the sea.

Answered.
April 12, 1871.
Mr. Edward
Hoche

Mr. CHAMBERS recalled.

Mr. Craig.

1845. Mr. LAWLESS.—Was Fleming's nuisance abated after the service of a summons upon him?—Yes.

1846. On the 4th March, 1870, you had to report Mr. Fleming, Upper George-street, for having a privy and adships in a filthy state, and you say there was a summons served on him, and the nuisance was then abated?—Yes.

Mr. GRENAGE PERRIN examined.

Mr. George
Perrin.

1850. Mr. LAWLESS.—Do you wish to make any statement with regard to Willement-savages?—Yes, I saw the place that is spoken of.

1851. Will you describe the state of it at that time?—A nine-inch pipe had been laid some few years ago, commencing at the sea-wall and passing inland through Miss Williams' stable, and through Mr. Read's premises. It was placed exactly as the present pipe is laid. After the lapse of some time, of course, the nuisance dosed back upon Mr. Read's premises, and the state of things there at the present moment is such as I have already described. We could not induce Miss Williams at the time to continue the pipe through the sea-wall, some dispute arose about other parts, and when Mr. Read opened the sewer on his premises, he found it full of vermin.

1852. Did you see the nine-inch pipe put down in October last?—I saw it about that time.

1853. Before it was covered?—Yes; it goes into no opening made through a light eighteen-inch wall, and on the outside of this wall is a rampart wall, the face of which is pointed with mortar.

1854. When was that done?—Since the storm that has been referred to. Instead of the sewage going away rapidly, it finds its way into this stone wall.

1855. Does that state of things, to your own know-

ledge, constitute a nuisance there now?—I do not know that there is a nuisance there now. Mr. Read, by my advice, brought the matter under the notice of the Commissioners. The summons was brought after a long time, at the suit of the Commissioners, through their officers, against Miss Williams, and as I understand the order was that the nuisance should be abated within a given time. I told Mr. Read that if he left the matter in the hands of the authorities, they would insist that it should be done properly. It has been done in the way described to you, and the question is whether or not there is any obligation on the Commissioners to have the matter set right.

Mr. DUGLASS.—It was brought under my notice, and it appeared to be a regular quarrel between these parties. However, the nuisance was stopped, and I never heard anything more of the matter till Mr. Read said something about it.

1856. Did you know at the time that the pipe did not go through the sea-wall altogether?—Of course I did, for there was a rampart wall. I did not think it my duty to see that that was done.

1857. Mr. Perrin said that the outside wall was pointed with mortar?—He is quite right. It has been mortered here and there. There are a number of spatters along the shore.

Mr. PATRICK DUFFY examined.

Mr. Patrick
Duffy.

1858. Mr. EXHAB.—Are you an acting sergeant in the Dublin Metropolitan Police?—Yes.

1859. Are you also sub-military officer here?—Yes, and inspector under the Food and Drug Administration Act, 1870.

1860. What district of Kingstown have you charge of?—The West ward and Monkstown ward.

1861. Did you receive any paper of instructions from the Commissioners as to your duties?—No; except the by-laws.

1862. What are your duties as sub-military officer?

—To see that all yards, pavements, and adships in the two wards are regularly cleaned.

1863. How often do you inspect the places in your district?—About once a fortnight—in some cases more frequently.

1864. Do you say that you inspect all the houses in your district once a fortnight?—Yes, in any locality where I believe a nuisance exists.

1865. To whom do you make your reports?—To Dr. O'Flaherty, the sanitary officer of my district of the town.

1866. Do you ever act without waiting to report to K. 2

Kensington,
April 13, 1877.

Mr. Patrick
Duffy,

the doctor!—If I can frighten the people into letting a nuisance by speaking to them I do so always.

1867. Do you ever serve notices on them yourself without the authority of the doctor!—No.

1868. Don't you ever serve notices to abate nuisances until you receive an order to do so from the Commissioners!—Not until I get an order from the doctor approved of by the Commissioners.

1869. In this part of the town (George's-street) in the West ward!—Yes.

1870. It is in your district!—Yes.

1871. What is the condition, generally speaking, of the houses of the poorer class of people in the West ward!—Are they sufficiently provided with privy and sufficient accommodation, or are there many of them without privies!—There are a few without privies.

1872. Are there some!—There are.

1873. Are those houses built in such a way that they could be supplied with privies!—No.

1874. Do you refer to the construction of the houses altogether!—Some houses in the neighbourhood would require to be pulled down and rebuilt in order to construct privies for them.

1875. Are there no means at present of making such accommodation!—No.

1876. Are there any houses in your district for which privy accommodation could be provided, and which have not yet got it!—There are.

1877. Are they reported by you!—Yes, and in some cases an order of the magistrate was issued.

1878. Have you got your report-book!—Yes. In No. 8, Lower George's-street a new privy and stable were to be built by the order of the magistrate.

1879. When was that order made!—I think on the 2nd April, 1877.

1880. Was it one of the houses which had not accommodation, but in which it could be made!—Yes.

1881. How long before the date of that order were you acquainted with the condition of that place!—That was the first time I saw it, so far as the privy accommodation was concerned.

1882. Did you never inspect it before!—I did. I was only appointed in September last, I was chiefly directing my attention to getting places cleaned before I went into the question of privy accommodation.

1883. When did you succeed as sub-inspector officer in this West ward!—Mr. Doyle had the whole township before I was appointed.

1884. Do you know whether or not that particular place had ever been reported to the Town Commissioners before!—I am not aware.

1885. Were there any other houses in which you required the parties to build privies!—Yes.

1886. You need not mention the houses. In how many cases did you get that done!—About eleven cases.

1887. What were they done!—Mainly this year.

1888. Are you able to say whether in your district the houses within the necessary distance of the main sewer, all have connecting drains with the main sewer!—I am not acquainted with the sewerage of the township; provided a place is clean and that the water passes away from it, I do not think it necessary to report. If the sewer was choked up we would make inquiries from Mr. Doyle.

1889. Have you always got satisfactory information from Mr. Doyle in reference to such matters!—Yes; some houses in Mountjoy-square, I believe, are not connected.

1890. Are they a good class of houses!—They are new houses.

1891. Are they inhabited!—Yes.

1892. Have you reported them!—Yes.

1893. When!—A few days ago when I saw the water flowing into the street.

1894. Did you report that those houses were not connected with the main sewer!—Yes.

1895. Is there a main sewer in Mountjoy-square!—It does not come to these houses.

1896. Is there a main sewer within 100 feet of them!—There is not; the stables are not within 200 feet of it.

1897. Have you gone into the interior of the houses and examined the water-closets, and as on!—I have.

1898. Have you made a house-to-house examination!—Not exactly; in the poorer class of houses I have.

1899. Was there anything done about these houses since you reported them!—The notices are not served.

1900. Was there any order made by the Commissioners upon it!—The doctor's report is not in yet.

1901. Mr. LAWLESS.—Is Mountjoy-square a part brought into the township by the Extension Act!—Yes; I think so.

1902. Mr. ERHAN.—Is De Valera-terrace in your district!—Yes.

1903. Do you know the houses in the hollow there!—I do.

1904. Do you know where their water-closets drain into!—No.

1905. Do you know anything about the existing drainage there!—No; I have no knowledge of the drainage or how it runs.

1906. Do you find that your reports to the Commissioners, or rather to the doctors, are promptly acted on by the Commissioners!—Yes.

1907. Are the doctor's recommendations to the Commissioners carried out to your satisfaction!—Yes, except that owing to the present system under the Act there is a very long delay between the time when the nuisance is first reported by us, and when steps are taken to force the parties to abate it.

1908. Do you find there is any delay on the part of the Commissioners in taking proceedings!—No.

1909. Do you look after the removal of nasties from back yards!—Yes.

1910. How long do you allow a nuisance kept to accommodate!—If a man does not pay attention to the Commissioners' summons or the magistrate's order, then I consider him for discreditable, still, of course, the nuisance remains, and I have to again report to the doctor.

1911. Does the nuisance continue there every day!—Yes, although he may have been fined sixpence by the magistrate. For instance, in a number of cases persons, in the present year, have been fined for disobeying the magistrate's order, and in two of those cases the nuisance remains to the present day.

1912. Are there any slaughter-houses in your district!—Four.

1913. What condition are they in!—Very good.

1914. Are they registered!—Yes.

1915. Have you any lodging-houses!—Several.

1916. Are they all registered!—They are reported on by the doctor as being fit to be registered.

1917. But are they actually registered!—I think not; there are no regulations posted in them.

1918. Ought you not to look after that? Are they kept in proper order!—I brought the matter under the doctor's notice, and he certified they are in a condition to be registered as "common lodging-houses"; and I see that they are kept in that state, or very near it—as near as I can.

Mr. DOYLE.—We abolished all the old lodging-houses entirely.

1919. Mr. ERHAN (to Wilson).—As far as your experience goes, is there any overcrowding in the poorer class of houses!—Are there too many inhabitants in one room, for instance!—No.

1920. Do you allow pigs to be kept in the rooms!—No.

1921. Are mincepies thrown out in the streets!—Yes.

1922. Is that done to any extent (I mean by mince pies being left)!—Yes, at the lower end of Patrick-street—right side.

1923. Cannot you put an end to that!—There is no pity on one side; and the inhabitants are too busy to go to the other one, although they have all the ways for it.

1924. Is there no space in that street to make proper accommodation in the houses!—There is no room to these houses whatever.

Mr. Burritt.—There could be water-closets constructed.

1938. Who is the owner of these houses in Patrik-street?—They are partners. There is one of the Commissioners a partner in some of them.

Kingswear.

Ardon, 1871.

Mr. Patrick
Duffy.

1939. Why do you not sanction the owners for not having proper accommodation?—So I did; and the order is served, and they are in course of erection.

1940. Is that for all the houses, or only for one?—It is for seven houses.

Mr. William Chaney recalled.

Mr. William
Chaney.

1942. Mr. LAWLESS.—I see here a notice:—

"The sewer choked on 2nd November at low tide, causing a inundation to the adjoining premises, and causing necessity to fumigate those premises."

Was there any adjudication made by the magis-

Mr. George S. B. Tindall examined.

Mr. George
S. B. Tindall.

1943. Mr. ELLAN.—Do you reside at Sandycove?—I do, and have property there; and my father has very considerable property there; and, in stating what I am going to state, I speak on behalf of several other ratepayers as well as myself.

1941. What do you complain of?—Some two or three years ago, to the best of my recollection, there was an alteration made in the sewer that runs down into Sandycove Harbour. There is a slip at the end of Sandycove Avenue which runs into the harbour. The sewer is of masonry down to the end of the slip, and from that it was intended originally to have carried it by iron pipes down to low water mark. For the last two years these pipes, instead of doing their duty are spread about the harbour.

1942. Was it intended to lay these iron pipes?—Was that intention carried out?—They were originally laid down, but it was impossible to carry out this intention for the pipes were not large enough. There was a great fall there, and the pipes would never have been large enough to carry off the sewage. Although not an architect I can tell that; for the masonry work all burst alongside the slip.

1943. Were the pipes actually laid?—They were, but in no way fastened to the bed of the harbour, as it were.

1944. Were they ever jointed together?—No, and I do not think there were ever flanges to them. I do know, however, that (whether from being repeatedly moved about by the tide or not), they were either broken, or at all events, there are no flanges on them now.

1945. Are they now displaced?—The pipes are now lying all about the harbour. They are not in a straight line. The consequence is that at low water, especially in the summer time, the whole expanse of this sewer covers the bed of the harbour. A few years ago the harbour had a nice sandy bottom, and now it is a nuisance to the whole neighbourhood. When the tide is out the people cannot walk there on account of the smell. You go up to your ankles in filth now there.

Mr. Alfred Cooperman examined.

Mr. Alfred
Cooperman.

1947. Mr. LAWLESS.—Do you live near Sandycove Harbour?—I live just outside the ladies' baths.

1948. Have you heard Mr. Tindall describing the state of this place?—I have; and it is perfectly true. The sewage at present is coming out at the side of the slip, and in summer it makes a most frightful smell.

1949. Does it cause a nuisance to the ladies' and gentlemen's bathing places?—I have been in the forty-foot hole, and I have seen sewage filth floating there; and I have also heard from my wife that she has gone to her bathing place, but could not bathe there, on account of the smell. The smell is simply frightful. I have heard a number of gentlemen say that in going down to the forty-foot hole, they have to run by the harbour to escape the smell.

1950. Mr. ELLAN.—Can you say of your own

knowledge how long that has been the case?—I can only living there four years.

1951. Was the water pure when you went there?—It was always very much in the same state it is now. The pipes are laid on the bed of the harbour; and when a strong breeze blows north, into the harbour, the pipes are broken up again, and make more dirt.

1952. What kind of pipes are they?—Iron pipes.

1953. Are there flanges to them?—I think there are. But the piping runs out beyond the pier, and it is always broken there, when the wind comes in heavy from the north-west.

1954. Mr. LAWLESS.—Are these pipes serviceable now?—Not in the slightest.

1955. How long have they been in that state?—Since the big storm which carried away the ladies' baths.

Witnesses
1901A.1917.
Mr. Firth.

Mr. PERIN examined.

1964. Mr. LAWLESS.—How long do you know this place of Sandycove?—All my life.

1965. Is it in the condition described by Mr. Tincler and Mr. Coppinger?—I saw it yesterday, and those gentlemen have described it most accurately.

1966. Do you remember it when it was pure?—I do; but that was before such a population as there is now existed; and I saw the pipes put down. There is a sewer originally made by the country, which runs down Sandycove Avenue. It terminates at the slip. The slip goes down to the harbour, and at the end of the slip there has been a masonry sewer covered over with flags. It is almost a foot square, and the fall is very rapid at that point. Of course as the population increased, the nuisance was the greater, most particularly as a place called Broadstone was built on the edge of the main road that ran down to the spot.

1967. Was the sewer of that terrace added?—It was, and was lying there until a few days ago, when it was interrupted by the sewerage about which you have heard so much along the road. Some years ago the Commissioners were about making this sewer deposit no matter at low-water mark—the original sewer deposited its matter at high-water mark. They put down pipes of about twelve-inch bore, and these are attached to a sewer of twelve-inch capacity at a very rapid fall; and in my humble judgment, the outlet ought to have been larger as it went out instead of being diminished. They had the ordinary flanges at the joints. They appeared to be about ten feet in length—metal pipes. In the natural course of things, these pipes, not being of sufficient capacity, got choked up—not merely from the nuisance existing in, but from the imperfect manner in which they were joined.

1968. How long ago is it since these pipes were laid down?—I think about six years.

Mr. TINCLER.—I think not so long ago.

Witness.—It does not matter. The pipes were laid out towards the centre of the harbour, which was near low-water mark. From time to time, as occasion of their insufficient capacity, as also from their not being properly joined, all the contents of the sewage matter through the joints made the place as bad as if there had been no sewer.

Mr. DORRIS recalled.

1971. Mr. LAWLESS.—Do you wish to explain about the sewer at Sandycove?—Yes. Very shortly after I came here, in 1856 or 1858, our attention was drawn to the nauseous state of that harbour, and the intolerable smell from the sewer discharging into it at high-water mark.

1972. Was that the old country sewer?—Yes. I prepared plans, and they consisted of a sewer of masonry running to the end of the slip, and a six-inch pipe from that out to low-water mark. It is made with cement and covered with heavy flags, and the pipes which connect with it are the same as the water-pipes here. They are what is commonly called "turned and bored" and do not require cement; they require only to be driven, and the more the rust gets into them the faster they become. They cannot be disturbed by any one, and no man dares to disturb them. I have been living on the ground.

1973. Mr. EXHAM.—Are they in working order?—Not at present, the silting up of the sand is so much.

1974. Are they now in the line in which they were originally fixed?—No.

1975. What disturbed them?—I sent men down to clear them out. In the winter these tremendous floods clear them out; but before this the intolerable stench that arose there was such that everyone was crying out against it.

1976. That appears to have been caused from the sewage flowing out at the slip in the harbour, and it seems to be exactly the same now from these iron pipes not being in position?—Nothing of the kind. If these pipes get disconnected, the whole sewage of course spreads over the harbour.

1981. Was there only one line of six-inch pipes laid to dispose of the entire sewage?—Only one.

1982. Do you know the state of the stones never down to the slip?—It has a very good and very rapid fall, having the inclination of the slip itself, and was covered with large stones; but they seem to have been removed of late, and the whole thing is now exposed up to the level of the moth road.

1983. Have the covering stones been replaced?—No; and as to the pipes, I saw the men at the time, who were what we call labouring men, they disjointed them with sledge-hammers, and cleared out what was in them. They merely pushed them into their position again, so they are not water-tight now.

1984. Was it necessary after these pipes were laid down to disjoint them in order to relieve them?—Yes; they became choked up.

1985. Mr. EXHAM.—Were there not stakes put down to keep them in their position when first fixed?—Nothing whatever to keep them in their position; they were neither bedded in stone nor leaded together—nothing of the kind. They were moved, as I described, with hammers, and pushed back again in the raised manner.

1986. Have you seen the harbour in the summer in the condition described by these gentlemen?—Yes; and it is a very great resort.

Mr. TINCLER.—I suppose four hundred people bathe there every morning.

1987. Is that nuisance caused by the sewage?—Yes; it is most offensive in summer weather.

1988. Can you from your own knowledge say it is a nuisance to the ladies' and gentlemen's bathing places?—There is no doubt about it, to my own knowledge.

1989. Can you see the sewage escaping from the sewer?—You see it on the bottom of the harbour, when the tide is out.

1990. I mean at the bathing-place, can you see filthy stuff floating on the water?

Mr. TINCLER.—On a summer's morning you can see a sort of soap floating on the water.

Witness.—I have not personally seen it, for I am not much of a bather.

1977. Are they not disconnected now?—They are, by the late gale silting up the sand.

1978. Did you not hear what Mr. Tincler and Mr. Coppinger said, that last summer they saw the pipes severed about?—That was the time we were closing them.

1979. Mr. TINCLER.—Would you ask Mr. Doyle, does not the sewage sometimes empty out at the slip, and not at the pipes at all?

1980. Mr. LAWLESS.—What is the diameter of these pipes?—Six inches.

1981. Mr. EXHAM.—Mr. Perin says they are all broken?—There may be some holes in them. Some of the flanges are broken, some of them have holes in them.

Mr. COPPIINGER.—I have seen the matter spouting out of the joints at low water.

1982. Mr. EXHAM (to Mr. Doyle).—Do you not think it a proper thing to secure them by stakes, or something of the kind?—Not at all.

1983. Do you not think that the sea has some action on them?—Not at all.

1984. Did you ever see blocks of stone two or three tons weight tossed up by the sea?—Yes.

1985. Do you mean to say the sea cannot have the same effect on the pipes?—No.

Mr. TINCLER.—I venture to say, if you go down there now, you will see them lying all about the bottom of the harbour.

1986. Mr. LAWLESS.—At all events, you admit, Mr. Doyle, these pipes in the harbour are not in a position to do their work?—They are not.

1987. How long are they in that state?—About a fortnight, I think.

1888. Mr. EXHAM.—Do you mean to say that what has been asserted by two gentlemen, who said they saw the pipes displaced in the summer and the stuff spreading over the place, is not the fact?—It is the perfect fact, but the pipes were only displaced for the purpose of being closed.

1889. How long were they displaced?—This must be done between tides.

1890. Did you not hear these gentlemen say those pipes were scattered all over the harbour, so that if they anchored a boat she would be injured?—They were not scattered over the harbour.

1891. Are you prepared to contradict from your own eyesight, what they say they saw?—I do not know what they saw.

1892. Have these pipes ever been displaced by the action of the sea?—Never, to my knowledge.

1893. Have you ever had occasion to have them replaced?—No, I broke them open, and replaced them with our own workmen.

1894. If they are so firmly fixed by the rust, how do you open them?—Oh, they are not joined. Any practical man knows that.

1895. Do you think it was right to put a six-inch pipe to carry off the sewage of a twelve-inch sewer like the County sewer?—If I had the slightest idea it would have been silted up, I would not have done so; but these things arise in other places besides Kingswear or Sandycove.

1896. Did you think it for the last six years defective in that respect?—No; but I found my cost I was mistaken in my views.

1897. When did you find out that first?—Within the last few years, I found the sewer silted up.

1898. Did you take any steps to alter the condition of things?—I did not, except to keep the pipes free.

1899. Although you did not see the pipes scattered about the harbour last year, did you see the sewage coming from those pipes and spreading over the harbour in the way described, when the tide was out?—I did.

1900. Did you perceive the obnoxious smell from it?—Yes.

1901. And have you any doubt that came from the sewage?—No; but I think that with precaution we will now be able to keep the sewer clear.

1902. Mr. PERRIN.—With your permission, gentlemen, I would refer to another sewer. There is a sewer the Commissioners constructed on a continuation of Hamble's river—the Ghamdale river. There is a stream that goes down and discharges itself at that point, which is the outlet for a very large water-shed—all the districts about here supply it. It was open where the stream ran through it, until it came to the compact wall of Mr. Scamels at this outlet. Through this wall there was made a wide arch about six foot by seven feet. Through this arched passage the water used to rush, and it is subject to great flooding from time to time. Within the last eight or ten years the Commissioners thought proper to construct a sewer for the purpose of conveying that stream to low-water mark. I am not aware exactly at what cost, or whether they had a contractor at work. Its dimensions are about three feet wide by two deep; and so different is it in proportion to the arched passage which was originally used at the outlet, that a man could nearly walk between the top of the sewer and the crown of the arch.

1903. Mr. LARSEN.—Was not the arch built up?—No. That sewer was made of rough masonry. The rocks seem to have been cut away to form a passage down to low-water mark. It was built in the most imperfect manner, in many places the covering stones not having more than from four to six inches bearing on the other side of the wall. The consequence was flooding occurred. I heard from reliable information that the water actually went over Mr. Scamels' pack-pot wall, but I did not see this happen.

1904. Do you mean the fresh water?—Yes; the river and the sewage staff both ran over the main part wall at the time of floods, being unable to prevent through the sewer for want of a sufficient outfall. Last year when it was proposed to ask a Provisional

Order for an intercepting sewer, I went down to the place and noticed its condition. The covering stones of the sewer, for about fifteen to twenty feet from the mouth of the arch, were stripped off—some of them lying down in the sewer itself, and impeding the free departure of the unsewage.

1905. Do you mean inside or outside the arch?—I am speaking entirely of the outside—covered. They built a little of the arch, and it has since been covered in a good way back towards Mr. Henry's. The sewage was collected in this sewer, and, of course the smell from it and the nuisance were fully equal to what they must have been originally before that outfall sewer was made.

1906. Was that between high and low-water mark?—Yes.

1907. Is the sewer sufficient now?—I went there three or four days ago, and saw that a few of the covering stones had been roughly packed into their position, but a great deal more of it was broken.

1908. Do you mean more than you had seen broken before?—Not at the part where it was first stripped; they seem to have covered this in a rough way. The sewer is not smooth—it is not water-tight.

1909. Is that the condition of the sewer now?—It is; and all down to low-water mark, walking along it, you can notice the masses going out through it.

1910. Does it even carry the sewage staff off?—Oh, the water rushes along it.

1911. Is it a rapid stream?—Very rapid stream; I remember a man being drowned there.

1912. Were the defences you have mentioned caused from the sewer not being properly made or from its not being of sufficient capacity?—From both. There are people and children in the habit of bathing conveniently to this place, and in summer time the smell is highly offensive, because the sewage pouring out of that sewer lodges in the crevices of the rock, and is caught up by the sea-wind, and when the action of the sun comes on it they might as well have nothing there in the shape of an outfall sewer.

1913. Does the sewage escape from it before it reaches its proper destination?—Oh, yes; it begins immediately after leaving the main sewer. The Commissioners more recently covered the river headwards. The stuff of this sewer covers the public road.

1914. Is it inside of the high road?—Oh, yes; the river goes under the road to the one formerly arched over by the creek.

1915. Is it all covered between the high road and the sea?—It is, and inland also. I understand proceedings were instituted at the suit of the occupier of Seafield, Mr. Scamels, against the Commissioners for nuisance, and they were obliged in consequence to cover over the portion of sewer that runs through his place. I have not been to the mouth of the river inland since they covered it in; but I have been on the road, and saw all the places about there flooded—from what cause I cannot tell, but I have seen the flood in a place it could not possibly have been in had the sewer been as it originally was.

1916. Can you state whether this place was liable to be flooded before this outfall sewer was made?—It could not be, because it was a very large, open space before. The stream as it passed through Mr. Scamels' place was a very large affair.

1917. Does that stream receive the sewage of a considerable district?—Yes, of a very large district I think it has been added to by sewers made by the Town Commissioners.

Mr. BARKS.—The reverse of that.

1918. (To Mr. PERRIN).—You say that this sewer was insufficient for the purpose of carrying off the sewage?—Manifestly so.

1919. Do you consider the present state of that sewer constitutes a nuisance in that place?—Most surely. I have laid friends down there from time to time, and on a summer evening they, as well as I have found the smell is most offensive; and, although it has been stated here that the sewerage has been

Kingswear.
April 15, 1877.
Mr. PERRIN.

KINSEY.

April 13, 1877.

Mr. Perrin.

dishonest, I may tell you as a master of fact that so far as a instance goes it has been added to.

2020. In what way?—Because the sewerage that used to run out from Windsor-Terrace has been carried along this range of houses, and all the contents are going into that stream; and, therefore, there has been an increase of influence although there has been a decrease of water, for the other was inland—county district.

Mr. John Reilly.

2024. Mr. LAWLESS.—Do you wish to give any evidence?—I am a Town Commissioner. I live upon the spot, and know all about this sewer.

2025. What do you wish to state about the sewer?—Mr. Perrin contradicted me in saying there was a bridge built over that river. I say there is a bridge, and that it is a county bridge, built over the river he is alluding to; and I say it was for the river, and not for the sewer at all it was built. I am aware it burst several times in that direction. I am aware it has had a great deal more coming into it for a long day than Mr. Perrin knows anything about. It has portion of the sewer from Grosvenor-park, and the river from the railway, and the sewer from Adelphi-road on the bridge on the high road—but this was a bridge built at the south of the river, which was in the habit of bursting sometimes in an hour's time. There are two bridges. This one is in the marsh, and was taken by Mr. Samuels into his ground without the consent of the people. What I want to convey is that this sewer was built to take the river water that came down there, and was for many a long day as pure as it could be anywhere.

2026. Do you mean to say that the sewer that was built some years ago is the sewer Mr. Perrin alludes to?—Yes.

2027. Was that built for the purpose of taking away pure water?—The sea-weed on the strand used to make a stench, and it was built for the purpose at the time; and it answered its purpose for a good while, but as the late storm it was blown to pieces.

2028. In what year?—This year. That storm blew away part of the railway.

Mr. Perrin.—That is not what I am referring to at all: I said a year ago.

2029. Mr. LAWLESS.—Mr. Perrin was describing the state of the sewer a year ago.

Mr. Perrin.—The state of the sewer a year ago, or a little less, was this—it leaked at the top, and the sewer was never able to go back because it was no open—but it was done on purpose.

2030. Was it originally built without a covering on the top, or had the covering become displaced?—At Mr. Samuels' place it was built with a covering; but it never was buried down towards the sea, and it was not necessary I think. We are mending the portion at Mr. Samuels' at the present moment. The storm blew it up in January. But the water came down through it very freely, unless there was a very extraordinary tide. There might have been a stench

2031. Is that all you wish to state about that sewer?—Yes.

2032. Mr. KELLY.—Mr. Perrin stated that the Glasnevin river over the bridge was flooded, and that he never saw it flooded before. Ask him now, as an old inhabitant and resident of that place, if he saw it fifty times flooded?

Mr. Perrin.—I only saw it once.

2033. Mr. KELLY.—Well, I saw it fifty times flooded.

Mr. JOHN REILLY examined.

when the tide was out, but if there was it was very little. It was Mr. Samuels and myself concerted the idea of having the place built; because there used to be bathing there, and we built the wall at last.

2034. You say there was a bridge built there by the county. Was there ever a public road there?—There was—I have seen it there; and Mr. Samuels enclosed it in his grounds.

2035. Enclosed the public road?—Enclosed the public road. It was built by the county. I have seen gentlemen from their way through Mr. Samuels' grounds in spite of him. In my opinion the sewer wants to be "tapped." There is a contract already made for it.

2036. Is there any prospect to enlarge the outlet of this sewer?—There is. We are making it two or three feet wider. We are raising the top of it.

2037. Is there a tender actually accepted for it and are the drawings all prepared for it?—Yes. The red damage does was in last January.

2038. Does that come under the head of any of what you call the Glasnevin drainage?—No; under none of the contracts under this loss.

2039. Mr. ERHAM.—If you pay for this damage out of the rate, you are in this dilemma—that all you show is surplus of £36. Even putting every single thing to the rateable value you can possibly do—the estate of Mr. Doyle's salary, and everything that way—you have only £36 of margin to carry you on to next year.

Witness.—We can charge ad libitum for sewerage.

2040. Mr. ERHAM.—You have not calculated for it of all events.

Witness.—We will do it next year.

2041. Mr. LAWLESS.—Do you propose to do it without borrowing?—Yes.

2042. Mr. Perrin.—Mr. Reilly has said it is intended to cover over that sewer. I would ask, is it intended to make good the side walls?

Witness.—They are good.

Mr. Perrin.—I say they are not.

Mr. Doyle.—Where it is necessary to repair the side walls it is provided for in the specification.

2043. Mr. Perrin.—Are the side walls built what we call "dry"?—They are not; the front of these for six inches is of cement, the back of the wall is what you call "loose rubble."

2044. Do you mean to say it is encrusted?

2045. Mr. LAWLESS (to Mr. Doyle).—Is it part of your specification that the sewer is to be made smooth?—Yes.

The inquiry was then adjourned to the following morning.

APRIL 13, 1877.

Mr. DODGE re-examined.

April 13, 1877.

Mr. Doyle.

2046. Mr. ERHAM.—I think you told us the other day that this is the map bearing, a copy of which you gave to Mr. Robinson, the Local Government Board Inspector?—Yes, to the best of my opinion it is.

2047. Does that map show the exact plan of the contemplated sewerage?—Yes, by this map it is shown.

2048. Does it show the proposed new sewer?—It does.

2049. Where and how?—In red and blue lines, the blue lines for the pipes.

2050. Is this sewer (pointing to a sewer on map) indicated on the map intended to be a brick sewer?—Yes.

2051. All brick, the whole extent of the sewer brick, is that what you intend to convey, Mr. Doyle?—There is only 300 yards of the sewer intended to be laid between the points which I have shown you.

2052. Mr. LAWLESS.—The maps furnished now to us and heretofore to the Local Government Board, show that the sewer was to be laid as far as, and up to Bullock.

2053. Mr. ERHAM.—Show us on the plan one link of pipe sewer that extends as far as that—Bullock!—(No answer).

2951. Do you mean to say, Mr. Doyle—now this is very important, and please don't misunderstand me—as far as the sewers are made up to the present, are they constructed in strict conformity with the plan you laid before the Local Government Board Inspector?—Yes, but I found it necessary to make some variations.

2952. Why you said before that the work was not done according to the original plans, because You could not make them within the estimates?—With some slight variations the work was done in strict conformity with the plans shown to the Local Government Board Inspector, Mr. Robinson.

2953. We have the plans and estimates here. Did you not say that the efficiency of the work would not be impaired by your variations?—I did say so, and I say now that the work can be done the way I intend in an equally efficient manner.

2954. Then you did depart from the plans?—Yes.

2955. From the map before us?—Yes, but slightly.

2956. These two sizes of pipe put down on this map. What was the size you used?—Pipes 18-inch and 16-inch. I used them by increasing the fall.

2957. You increased the fall. Show us on the plan where you provided for an increased fall?

(The plans were produced and the witness pointed out the falls, and the respects in which the plans had been altered.)

2958. Why did you alter the plans?—I would not have altered them if I thought I was not right.

2959. Why did you represent another kind of plan to the Local Government Board?—(No answer.)

2960. Did you do so?—I have done so.

2961. You did?—Of course I did.

2962. Did you not show the other plans as the plans which you intended to carry out—the original plans?—Yes, with whatever variations I thought proper.

2963. Did you show them to any residents or newspaper of Kingstown, as the plans which were going to be worked out?—I did.

2964. Did the Local Government Inspector or the Board know that the plans were altered?—That I don't know.

2965. Were the sections in connexion with these plans laid on the table here for over two months?—My impression this moment is they were.

2966. Were they at a matter of fact?—Speaking at this time I think they were—the plan was laid on the table, but I don't think the sections were.

2967. Will the fifteen or the eighteen-inch pipe be sufficient to provide for the discharge of the sewage even with the fall so increased?—Yes, I think so.

2968. Do you mean to say you had to increase the fall?—As I understand you, Mr. Exham, I can't say I had, because I gave no section at the time to the Local Government Board Inspector. The plans and the sections are very different things. When sections are not taken accurately, we have what we call "fly" levels.

2969. Will you show me on the plan what outlet you put for this sixteenth foot of sewer? This plan so far as I can see, does not provide for any outlet at all?—It does, I think, sir.

2970. I beg your pardon, Mr. Doyle, it does not. Show it to me in the plans—there is I see, an old sewer marked.

2971. Witness.—That is not in our township.

2972. Well then, there is no outfall shown on the plan. I don't see it, in any case.

2973. Mr. LAWLESS.—Nor I, nor I believe anyone.

2974. Witness.—We only went in for doing what we had power to do.

2975. Was it more or less expensive to put in a pipe through the length shown there (on the plan), or to make a sewer three feet by two?—On that point I say the latter would be far more expensive.

2976. For the 300 yards?—I only calculated on the brick sewer for 300 yards.

2977. Mr. LAWLESS.—Why did you not show the pipes on the plans?—Because at that particular time

it was intended only to sewer from Sandycove-road to the head of Albert-road.

2978. I don't see that is a reason, Mr. Doyle?—I calculated on 300 yards, and as a matter of fact I find now that was the distance done.

2979. Mr. EXHAM.—Yes, I contemplated taking a brick sewer along a certain distance of the district which was to be covered. What provision did your plan make for the remainder, after you had got through your 300 yards?—(No answer.)

2980. Show me your estimate from Sandycove-avenue to Beechfield-road? (Estimate produced.)

2981. How much did you expend on that—on the works between Sandycove-avenue and Beechfield-road?—£450.

2982. Mr. LAWLESS.—On looking at the estimate you have just handed in, I don't find any estimate for this particular piece of work?—The estimate represents the whole thing.

2983. Yes, but you know you cannot tell us that 300 yards, the part done, comprises or makes up the 600 yards, the entire space to be done?—Mr. Robinson, the Local Government Inspector, was quite satisfied with it. And there is this remarkable fact which I will mention, the sum expended on the Gasholder system only exceeded the estimated cost by a few pounds.

2984. Did you furnish to Mr. Robinson the plan on which in fact you carried out the work?—No, not those plans.

2985. Mr. EXHAM.—If I was asked the question, I am satisfied what was expended on the part of the system you have named is what is shown on the estimate, but that is not the point?—In the preparation of these plans providing for the work by six eighteen-inch or fifteen-inch pipe, I had the advice and assistance of Mr. Banks, of the Local Government Board, and he said there was no necessity whatever to make sections.

2986. Did Mr. Banks, or any other human being tell you that after you got from the Local Government Board's Provisional Order, and founded on it an Act of Parliament, on the faith of, and to carry out a particular plan, you were to be at liberty to substitute a fifteen-inch or an eighteen-inch pipe, instead of making a sewer three feet by two, as shown on the plan?—No; but if we got £10,600 to lay out in drainage, the Town Commissioners could change the plans so as best to meet the requirements of the case.

2987. Is that your view? Show me any power under the Act of Parliament to do such a thing?—(No answer.)

2988. Did you get any orders from the Town Commissioners to make these changes?—I did not. I considered the matter from a professional point of view, and I only thought of having the work done in a proper way.

2989. Did you tell the Town Commissioners you were going to make these changes?—No; I did not.

2990. Did you put any pipes in at a lower level than they are at Beechfield-road?—No; I did not.

2991. You say an eighteen or a fifteen-inch pipe is just as good as a three feet by two sewer provided you alter the fall?—Yes; generally.

2992. Did you, Mr. Doyle, alter the fall—increase it I mean?—Yes.

2993. How much?—I did not measure the falls accurately, but of course they would be regulated according to the work to be done. As a professional man I cannot answer off-hand. I cannot speak accurately without going over the ground.

2994. Was it in order to compensate for the smallness of the pipe sewer, that you gave a greater fall?—Yes.

2995. What fall did you give?—I gave a great fall.

2996. Did you prepare any sections?—I made no sections in this case.

2997. Show me the working plans and sections you gave the man for the purpose of making the sewer of which we speak, or show us my working plans or

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Mr. Doyle.

Knowsley

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Mr. Doyle.

sections you showed to Mr. Robinson?—I showed him the eighteen-inch pipe and the twelve-inch pipe.

2105. Before you showed him those sizes, did you make any calculation to enable you to see at what cost the drainage could be effected by the three feet by two brick sewer level?—I have been doing a great deal of work for the Commissioners, and my plan for this work I laid before Mr. Forster, the Board of Public Works engineer in 1898. He examined it, and was satisfied with it in every respect.

2106. Mr. Forster.—May I suggest one question for you to ask Mr. Doyle. I will take one point, at Bullock Harbour where the water begins to discharge itself from the sewer there, and the question is, was the fall or the height you intended from the surface for the sewer there as high as the present high outfall sewer?—The fall at the outfall there is about four feet. It is not more than four feet under the surface.

2107. Mr. EXHAM.—Have you not something there to indicate what it is?—No.

2108. Do you intend the level of your new sewer to meet the level of the old outlet?—I do.

2109. Then how can you lower your sewer?—Excuse me, you don't perfectly understand me. Cannot I make ventilation—cannot I increase the excavation?

2110. We have asked you to tell us to what extent you have done that?—I don't know that. I cannot answer that question, because I don't know the extent exactly. If you allow me to look over the plans I will be able to tell you all about it.

2111. Cannot you tell us the fall approximately?—In every 375 feet there is a foot in the rise, or half a foot.

2112. A foot or half a foot. Can you not go nearer than that—you know there is a great difference in six inches of fall in 375 feet?—You ask me those professional questions, and I want to answer you professionally.

2113. What I asked you was not a professional question—it was a matter of fact, namely, the difference of level between the sewer as originally planned and intended by you, and the substituted one. Is the present pipe on the old level, that is, on the level of the old sewer?—Yes.

2114. Have you not lowered it then?—No, I have not.

2115. Then you put yourself in this dilemma—you say an eighteen or a fifteen-inch pipe is as good as the three feet by two brick sewer, provided you altered the level in order to give it a better fall; you say you have not altered the level; therefore your conclusion as to the efficiency of the substituted sewer will not hold good on your own statement. Explain this if you can?—(No answer.)

2116. Please point us out on the plan where the outfall is masked at Bullock Harbour? (The witness pointed out the outfall.)

2117. Do you mean to say that in constructing that sewer as you have done, by means of an eighteen or a fifteen-inch pipe, there is anything like as good a means of sewerage provided for the people of Kingsdown, who expect their town to be properly drained, as there would be by the three feet by two foot sewer?—The circumstances of the case have been altered.

2118. Mr. Forster.—I do not think so.

2119. Mr. EXHAM.—On that plan of yours (now produced), you have not put the size of any of the sewers or pipes. Is there any mention in any of your plans or estimates of this 300 yards?—I think so.

2120. You think so, but nevertheless fact?—I think so.

2121. Then show it?—We got £2,000 to lay out on sewerage, and we did so.

2122. You, precisely so. You get a certain sum of money to do a certain kind of work, but so far as we see, you did not do most material parts of it, but did other work.

2123. Mr. Lawrence.—Do you mean to say that the prescribed system of sewerage was omitted from the estimate, or a certain portion of it?—I put in the 300 yards with the intention of having it severed.

2124. But the 300 yards does not describe 600 yards; 300 yards is not mentioned in the estimate at all. Is that what you mean to say?—Yes.

2125. How then, Mr. Doyle, would the proposed system of drainage be perfect?—If it was not altogether perfect, my aim was to render it healthy.

2126. And was it healthy?—Yes, so far as it went.

2127. Would you have us believe that there was intentionally omitted from that plan a portion of the proposed work of drainage?—We only went in to borrow £10,000, and that was what we contemplated at the time.

2128. Mr. EXHAM.—Was not the brick sewer shown in the estimates furnished?—Yes.

2129. Did you give the full particulars, and show the points at which the pipes were all to be laid down?—Yes.

2130. Why did you put in a pipe instead of a sewer afterwards?—Because I thought it was best.

2131. Did you do it?—Yes, it is perfectly true.

2132. Suppose an Act of Parliament passed, giving power to make a railway, do you think, as an engineer, you would have a right to go one inch outside the limits of deviation given by the Act of Parliament?—Well no, except in case of an authorized agreement.

2133. We asked you if you got any authority from the Town Commissioners, and you say you got no authority?—I gave that evidence.

2134. Mr. LAWRENCE.—Was the plan sent to the Local Government Board, as prepared by you?—Yes.

2135. From what?—Prepared from the plans that were lying on the table.

2136. Plans with levels?—We had no plans with the levels marked on them.

2137. Mr. EXHAM.—I understood you to say that the books, with the contract plans, were lying on the table?—Yes.

2138. Did you submit the plans to the Commissioners before you commenced to work them out?—I did.

2139. Did you tell them that you were going to change them when you came practically to apply them?—No.

2140. Mr. Miles Kelly.—The Commissioners insisted all along that the work carried out was carried out according to the plans laid before Mr. Robinson, and we knew nothing, nor heard nothing of alterations made in the plans by Mr. Doyle, or anyone else.

2141. Mr. EXHAM.—So far as we see at present there appears to be no evidence to contradict your statement.

2142. Mr. William Scamels, a ratepayer, residing in Glascote-road, informed the Commissioners that he had paid £6. 6d. a foot for a pipe leading to his house from the main sewer, and as he considered that price too high, he wished to know the contract price.

2143. Mr. Lawrence.—Who was the contractor?—A. Mr. Dickson.

2144. Mr. McEvoy.—There were tenders here from Mr. Dickson and others to do such work at £s. d., and one at £s. 3d. a foot.

2145. Mr. EXHAM.—So I see. The Act of Parliament in such a case calls upon you, Mr. Scamels, to do the work, and failing to do it the Town Commissioners can do it at your expense, charging what is fair and proper.

2146. Mr. Scamels.—I paid it, of course, only I considered the price too great.

2147. Mr. Forster.—Was it done per schedule?

2148. Mr. EXHAM.—I see it was, and it was an unfortunate thing for Mr. Scamels to have to pay so much, when he could have got it done for £s. 6d. or £s. 3d.

2149. Mr. Scamels, contractor.—The work could not be done for any such money. Mr. Doyle's contract is misunderstood.

2150. Mr. Reilly.—It is a trick of the trade.

2151. Mr. EXHAM.—We will see that just now. Mr. Doyle, do you know Mulgrave Avenue?—Yes.

2152. Is there sewage work doing now there?—

Yes, there was some done there in 1858, and there is some doing there now.

2145. *Sewers?*—Yes.

2146. Pipes!—No, there are no pipes there, it is a brick sewer. We do not lay pipes on concrete, unless the bottom is not exactly safe.

2147. I thought the specification requires the contrary!—No, it does not.

2148. Mr. Sarsfield asked to be allowed to state as

a matter of justice to himself, that a statement made by Mr. John Reilly, Town Commissioner, on the previous day, to the effect that his (Mr. Sarsfield's) late father had appropriated a certain road, which was public property, was wholly untrue.

2149. Mr. Reilly will be persistent in his statement.

2150. Mr. Lawrence.—The master across incidentally, but we have not anything to say to it.

Unknown.
April 18, 1877.
Mr. Doyle.

Dr. JEROME O'FLAHERTY examined.

Dr. Jerome
O'Flaherty.

2151. Mr. LAWLESS.—Are you one of the sanitary officers of this town, doctor?—Yes, since the Act comes into operation.

2152. You know Kingstown well!—Yes, I know the town for many years prior to the passing of the Sanitary Act.

2153. Have you lived here for a considerable time?—Yes, since the year 1853.

2154. What is the sanitary condition of the houses of the poorer classes in Kingstown?—The sanitary accommodation is defective by reason of the structures.

2155. Do you mean to say that the structures or houses are not sufficiently large to afford the accommodation required?—Yes, because the accommodation for the poor consists generally of cabins and ground floors, and when the weather is bad the ground floors are wet floors.

2156. Are these old or recently constructed houses that you speak of?—I think they are old—yes, old. I believe I know all the old houses in the town.

2157. Do you receive reports from the sub-sanitary officer?—Yes, he reports to me on the improper condition of dwellings.

2158. Is it Mr. Duffy or Mr. Craig who reports to you?—Mr. Duffy, as the sub-sanitary officer, reports to me, and then I turn report the matter to the Commissioners.

2159. Are you satisfied of the vigilance and activity of Duffy?—Yes. I believe he is a very efficient and attentive man.

2160. He reports to you, I think, you said?—Yes.

2161. Has he had occasion to report the same places more than once?—I want to see the effect of his reports!—Well, you, I have got reports nearly every three months of the same premises. When there is a filthy saltpit or a filthy privy in a place, or the report of the sub-sanitary officer it is cleaned out. In a little while the same condition of things exists again, and then he reports to me again, and so on.

2162. Have you got reports from Mr. Duffy on the want of suitable accommodation, and has that been supplied?—Not in every case.

2163. In my case?—Oh, yes.

2164. After the first report?—Often not until after frequent reports.

2165. You see the distinction, between the place, after being supplied with accommodation, or cleaned out, as the case might be, might get into the same state again from the dirty habits of the people?—Yes, that often happens.

2166. Do you attend the sanitary committee when your reports are brought before them?—No, attendance in the way you describe does not come within my duties. The consulting sanitary officer attends.

2167. Who is he?—Dr. Collyer.

2168. Do you find your reports acted upon promptly and satisfactorily by the Commissioners?—Well, to know that does not come exactly in my way, because I don't see whether they are or not.

2169. Are the houses of the poor people here sufficiently looked after with regard to cleanliness?—No, I don't think they are. I think the dwellings of the poor very defective. Many of them are without yards, and have merely mud floors, so that in wet weather the floors are turned into a state of mud, and perhaps two or three pigs, a goat, and a donkey are kept.

2170. In the houses?—No, not in the houses, but in the yards.

2171. In those cases in which pigs or other animals are kept are they kept close to the dwellings?—Yes; they are immediately outside the back-door.

2172. Is that so close as to be injurious to health?—Yes, I think so.

2173. When a state of things like that exists, is it looked after by the sanitary officer sufficiently?—Yes; so far as I can see, I think they look after it.

2174. Mr. ELLIS.—Why don't they get rid of the animals altogether, at least why don't they remove them from dangerous proximity to the dwellings of the people?—That is not for me to say.

2175. Is the proximity dangerous?—That is my opinion.

2176. From your knowledge of the place at present, does this represent the state of certain portions of Kingstown? I read from a little book entitled "A Statistical Inquiry into the Sanitary Condition of Kingstown, by the late Charles Halliday, Esq., M.R.C.S. & edited and illustrated with some preliminary observations on the connection between the sanitary defects of Kingstown and the recent epidemic of cholera, by Dr. Thomas More Madden." It was written in 1856 or 1857, and this is one passage:—

"In the majority of the houses, courts, and lanes inhabited by the poor of Kingstown, sewage is entirely neglected, public closets are wanting, unseparated tanks are used by the deficiency of latrines and sewers, &c., the accumulation of dirt in the houses and their vicinity, and by the pestiferous effects thus generated."

Is that true, Dr. O'Flaherty?—Yes; I believe it was quite true at the time that report was made, but it is not so now.

2177. It is not true in any respect now?—If not, tell us what has been done since?—All the places to which that report refers are now provided with proper drainage.

2178. Efficient drainage?—They are provided with surface drainage.

2179. All the places referred to?—The majority of them.

2180. Are the majority of these places provided with proper latrines or privies?—They are; and the better parts of the town have been severed since the publication of Mr. Halliday's report.

2181. Will the poor people get the benefit of the sewerage?—Well, such as persons residing in the better parts of the town and in the outlying districts.

2182. Do you know Malgrave street?—Yes.

2183. How are the people in Malgrave-street off for sewerage?—Not well, I think; because not much has been done in the way of sewerage there, but, I believe, there is a main sewer there.

2184. Have connecting drains been made there?—My belief is they have not.

2185. No connecting sewer from the houses to the main sewer?—I think not.

2186. Then what use is the main sewer to the poor people in Malgrave-street?—Not much.

2187. Do you ever remember having said, Dr. O'Flaherty, that nothing in the way of keeping the roads of the poor in anything like a good sanitary condition could be done until the houses were connected with the main sewer by intercepting sewers?—I have said so.

2188. Has it been done?—It has not been done.

2189. Would it be a proper thing to do?—Most certainly.

2190. I see Mr. Halliday calls attention to the high death-rate which you had here during the last cholera epidemic. It was, he says, more than double that of

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Dr. Jerningham
O'Flaherty.

Dublin, in proportion to the population. Is that a fact—I don't know exactly.

2191. Do you recollect it?—Oh, yes; and the cholera was certainly very virulent at the time.

2192. What was the death-rate?—I don't know.

2193. Mr. LAWRENCE.—Were the deaths from cholera more numerous at the time in Kingsdown than in Dublin, considering the populations?—I don't know, but it was high with us.

2194. Mr. EXHAM.—Do you estimate the high death-rate at the time to the defective sewerage and the dirty state of the houses of the poorer classes?—No, I do not, sir; because the cholera was quite as bad in the better parts of Kingsdown, where there was every sanitary appliance.

2195. Were the better parts sown over then?—Whether they were perfectly sown or not I don't know, but I know that they were partially sown.

2196. (Suggested by Mr. Barnett, chairman of Town Commissioners).—Do you think that cholera is propagated by cesspools, bad sewerage, and such like?—I do not think my disease is exaggerated by dirt. It is caused by it, but not exaggerated originally by it.

2197. Is the general condition of the poorer parts of the town better now than when it was described by Mr. Halliday in this report?—It is, and the introduction of the Vauxhall water has made a great improvement in the condition of the poorer residents of Kingsdown. Before its introduction the poor people were obliged to use great economy in their use of water. They had to make a bucket of water do a great deal, and they had to have it delivered to them at their doors by means of a drayman. Now, they have good water in abundance—I may say in their very doors.

2198. Do you think the Town Commissioners make sufficient use of the supply of Vauxhall water?—Well, yes, I think they supply it very liberally, and in the town it is always running from fountains. The want of a proper connection with the main sewer is perhaps the greatest sanitary want in Kingsdown.

2199. Is that your opinion?—It is, sir.

2200. Is it a want so urgent that it should be at once supplied?—It is, sir.

2201. Would the existence of that want account for the high death-rate?—I would not say that.

2202. Do you say the system of sewerage carried out in the better parts of the town is no benefit to the poorer residents?—Yes, I say so.

2203. Here is another passage. Tell me what you think about it. (Reading from same book):—

"Here they have a comparatively small town, a town which may be walked over from end to end in under half an hour, a hideously wretched place, the sunless nests of the wealthy citizens of Dublin, and yet in comparison with the principal streets, and almost in the very centre of the town, we find upwards of 100 houses and flats in a most deplorable state of filth and neglect, mostly unpeopled, without sewers or drains, without privies or cesspools, without water supply, without even a pump, and without gas lamps or other lights; they are at night involved in darkness, and become the receptacles of filth of all kinds; and yet at this contains nearly 500 human beings, inhabited by 4,000 or 5,000 human beings; they are the dwellings of about one-third of the entire population of Kingsdown."

Is that true, Dr. O'Flaherty?—It was, I believe, at the time.

2204. Is it still true?—I don't think it is. At that time the majority of the houses inhabited by the lower orders were lodging-houses or poor cabins, with a few feet of frontage, and there were no sewage drains provided for those dwellings. The consequence was that the people had to dispose of their accumulations in the most convenient, if not in the best manner.

2205. Do you know a place called McCormick's-court?—Yes.

2206. How does Mr. Halliday say about it. (Reading from same book):—

"McCormick's-court, with what is appropriately termed 'Pig-tot' containing twenty-four houses and cottages, with various flats, generally below the level of the court, which is unpaved and unsewered, and in a most filthy state; there is no light at night, no

water supply, no pump, no sewer in this court. The twenty-four cottages have not any yards attached to them, they have no privy conveniences to all, and no place called a pigsty for the hundred men, women and children living within this enclosure."

Does that state of things still exist?—I think not.

2207. Mr. LAWRENCE.—Is the place still inhabited?

2208. Mr. Miller Kelly (Commissioner).—The place has been thrown down.

2209. Witness.—There is still a place called "Pig Bank," but it is made up of cottage dwellings, and houses with up-stairs.

2210. Mr. EXHAM.—Do you know a place called Gough's-court?—Yes, the size of it. The houses which were there have been pulled down.

2211. What about Baymount-court which is described here (in same book) as a wretched, filthy place?—Pulled down also, at least the greater part of it.

2212. Is it as bad as it was ten years ago? Mr. Halliday says so to the cottages in it.—

"There is no new whatever, nor have they the slightest provision for preserving decency and cleanliness."

I believe the sewerage there to be very defective.

2213. Mr. Doyle.—We are making sewers there, and there are traps outside to carry miasma away.

2214. Hear this again from Mr. Halliday's book:—

"Baymount-court, having six large houses, No. 12, in front to the street, and behind it twenty smaller houses or cottages, with earthen floors, necessarily damp, as being mostly below the level of the court, which is unpaved and unsewered, and flooded during heavy rains. To these cottages there is no way whatever, nor here any slight provision for preserving decency and cleanliness. They have no privies, no cesspools, no receptacle whatever for dirt, which is accumulated within doors until it is taken out, unless an outside stairs. There are no gas lamps or other lights in this court. It has no water supply, no pump, no sewer, and yet a few of the dwellings of upwards of 100 human beings, paying from £1 6d to £1 10s per week for single rooms, twelve to fifteen square feet, in which whole families—men, women and children—eat, sleep, and sleep. Adjoining Baymount-court is Gough's-court, having in front to Cumberland-street, the houses Nos. 22 and 23, and behind them twenty-one two-story cottages or houses of the same kind, and in the same state as those in Baymount-court. They have no privies, but they have two cesspools connected to all, into which much of the dirt is cast, rendering them a breeding station. There is no sewer, no drain, no cesspit or flaggon, no water supply, no pump, no gas or other light at night in this court, which houses contain upwards of 100 inhabitants."

Are matters as bad there now?—No, certainly not.

2215. Mr. Doyle.—There is a sewer there and privy accommodation.

2216. Mr. EXHAM.—How many privies are there for the twenty-one houses?—I think there is one.

2217. Ours, Mr. Doyle!—Yes.

2218. Can you say, Mr. Doyle, what is the length of Baymount-court?—Yes, about 122 feet. We have put there a twelve-inch pipe, and we can clean out the privy accommodation by turning the water into it.

2219. Dr. O'FLAHERTY.—There are two rows of cottages there, single dwellings with no back door, and with scarcely a window in them.

2220. How many human beings live there?—Perhaps five or six in every house.

2221. Do you know Goff's-court?—Yes; it opens into George's-street.

2222. Listen to what Mr. Halliday writes about it:—

"To these specimens of the flaggory, dirty, and neglected state in which you will find a large portion of your tenantry and its inhabitants, I will only add one more from the long list which shall be appended to this letter, and I select the case because it is one of a dwelling-place in the middle of the principal street in the town, in the same street with your own half, and lying close to the residence of some members of your Board, and it is one which can be inspected at any moment without trouble. The case is that of Goff's-court, opening into George's-street, and open to the view of every person passing through that street. This court, which is only eight feet wide, contains five houses and three cottages, without any sewer or drain, without water or gas, without privy or cesspool, and the roofs of these wretched specimens, which is in almost all other cases, whole families eat, drink, and sleep. Nor is it easy to prevent this dirt from accumulating, the court being so narrow that sweepers can only use a handcart in their efforts to

charge it. It is but just, however, to the owner of the cottages to add that after a day or many years, he says he is now about to build a pony and stable for the three cottages, but the five houses and their unfortunate inmates are to remain in their present condition."

What has been done in Court-court since?—I think that court is now answered, lighted, and whitened.

2223. What about the houses?—The houses are not in a good state.

2224. Are there as many people living there now as then?—I don't know.

2225. Mr. Dugdale.—All the houses there are in tip-top order. Within the past few years they have been both whitened, whitened, and lighted, and have now perfect accommodation.

2226. Mr. EXHAM.—Have they privies?—They have one privy.

2227. I find in Mr. Holiday's pamphlet:—
"Albert-court, having twenty-four cottages, with an adjacent one privy in common and adjoining it."

Do you know that place?—Yes; Albert-court is a large area in which the dwellings are built around against the walls. They have no back-doors, nothing but a front before them into which they throw everything. These houses are better than the average houses of the poor, because they have wooden floors, and three or four of them have two stories, and the rest of them only one.

2228. What is their present condition?

Mr. Miles Kelly.—They are good residences. Another residence place of the poor, which is in good condition in Fins-court.

2229. Dr. O'Flaherty.—Yes. I believe there is sufficient cubic measurement in all the houses there (Fins-court), I know. The roofs are water-tight, but not air-tight.

2230. Mr. McEvoy.—So much the better.

2231. Were these improvements made by the Town Commissioners?—No; by the landlords.

2232. Is it your opinion, Doctor, that there is still a great deal that has not been done?—There is still a great deal that has not been done, but a great deal has been done.

2233. Mr. Kelly.—A great deal has been set in motion by the Town Commissioners.

2234. Witness.—I could show the Commission, if you walk outside, courts that ought to be swept off the face of the earth.

2235. If an epidemic breaks out here now, would

it be likely to be attended with serious consequences?—Most probably.

2236. Are any of those places you speak of the property of Town Commissioners?—I don't know. I hope not.

2237. (Suggested by Mr. Miles Kelly).—Have you ever reported to the Commissioners that any places should be pulled down?—No, I did not.

2238. Mr. EXHAM.—What Dr. O'Flaherty says is, that the sub-sanitary officer must report to him in the first instance.

2239. Mr. Miles Kelly.—Before the Act came into force at all, we had a far better arrangement.

2240. Mr. McEvoy.—I think you are right in that. I think we had less encroachment.

2241. Mr. LAWLESS.—I infer from Dr. O'Flaherty, that very little work has been done here within the last few years.

2242. Mr. Kelly.—I don't think he gave such evidence.

2243. Mr. EXHAM.—He says there are places in the town actually unfit for human habitation, for he says there are courts which ought to be swept off the face of the earth. He cannot recommend that places should be pulled down except the sub-sanitary officer reports to him.

2244. Mr. LAWLESS.—He says there are places in the town actually unfit for human habitation, for he says there are courts which ought to be swept off the face of the earth.

2245. Mr. SKEET (Chairman).—Under the Act the Town Commissioners have taken down a large number of houses. I think Dr. O'Flaherty will agree with me in that.

2246. Mr. Kelly.—Before you pull down houses you ought to have others in place of them.

2247. Mr. LAWLESS.—I want to know if there was any notice taken of this letter of Mr. Holiday's by the Town Commissioners?

Mr. Kelly.—I never heard of it before.

2248. Mr. McEvoy.—Mr. Holiday's evidence had a great influence on the Parliamentary Committee of 1819, and General Harrington appears to have also taken a great interest in the matter.

2249. The Town Clerk.—In 1829 I heard of this letter.

2250. Mr. Padias, c.e.—We had it in 1837, when I was engineer to the Board.

2251. Mr. EXHAM.—Yes, I think Mr. Padias referred to it in his report furnished to the Commissioners in 1837.

MR. JOHN RUSSELL, C.E., EXAMINED.

2252. Mr. EXHAM.—On what subject do you wish to give evidence?—I wish to call your attention to the defective sewerage on Glengary-road. The sewer was an old stone one, and was utterly inadequate.

Mr. John Russell, C.E.

MR. DOMINICK FRANCIS BURKE EXAMINED.

2253. Mr. EXHAM.—What evidence do you wish to give?—With the permission of the Commissioners, as a taxpayer, I wish to speak with reference to one or two points. There are now a few cottages in Patrick-street, Kingsway, and Trevel-terrace, East, where a number of pigs are, and several privies are in a disgraceful condition, and abut worse. In consequence of this state of things I came down and made a complaint.

2254. To whom did you complain?—I wrote my complaint in a book in the outside office here.

2255. Is what book?—A book in the outside office.

I beg it to be understood I do not complain of poor men keeping pigs—I wish every poor man had two pigs.

What I complain of is the manner in which they are kept. The mistake continued all the last summer.

2256. Does it continue still?—The pigs are there still; they are there now. Considering the rain floods that we have had, we cannot smell them as bad now as we used.

2257. Mr. SKEET (Chairman).—The property of

which Mr. Burke speaks belonged to my family. It

was mine originally. We receive but a very small head-rent for it.

2258. Witness.—I did not know it was your property at all, Mr. Burke.

2259. Mr. EXHAM.—It would be the best means of securing the rent to keep the premises in proper order. Is that so, Mr. Craig's or Mr. Duffy's district?

2260. Sub-sanitary officer Duffy.—In main. I say there is no filthy privy there. There are pigs there to be sure, but there is a sewer in it.

2261. Mr. EXHAM.—Mr. Burke, are the pigs always near any main sewer?—There is a sewer from the pigsty, but it is no good. I told the people that six pennyworth of chloride of lime would clean the smell, but they would not get it.

2262. Mr. LAWLESS.—When did you make the complaint you told us about?—Last summer.

2263. I am from a book put in my hand that there was a complaint of the 5th of August in reference to a house in Trevel-terrace—

"Gentle rising from privies and pig-stys in the rear, and also in the upper end of Patrick-street."

Mr. Dominic Francis Burke.

Known as

April 10, 1874.

—

Mr. Donaldson

French Doctor.

I find also this entry—

"I beg to state that as Mr. Burke complained at this office, I had notice served on the parties complained of, and the nuisance has been since abated."

"W. Grace, Dist-Sanitary Officer."

2266. At the time you repeated the complaint was the nuisance as bad as when you first made it?—Yes; and it continued to the end of the summer.

2267. I find that another complaint was made on the 11th July, prior to the August complaint?—Yes.

2268. I do not find that any notice whatever was taken of this complaint, because I find other and similar complaints after that?—No. They made a new sewer down Tivoli-street, East, at a place called Crossavane, where there are a lot of drains all requiring connecting sewers. I remarked during the work that the men were blasting enormous stones out of a quarry close by, and putting those stones just as they were into the sewer over the glazed tile pipes. I said at the time to one of the men, "This is very bad work," and the reply I got was, "I wish to G— there were more of them to put down; it would give us more work"; and what is more, this kind of thing continued for some time.

2269. Mr. EXHAM.—Were those stones thrown down on the pipe sewer?—Yes; they put down tons weight of granite on the glazed pipe.

2270. Was there any day intervening?—I cannot say that. I am ready to swear to what I stated, and I spoke of those enormous stones being nothing but obstructions.

2271. (To Mr. Doyle).—You should attend to this. Mr. Burke says that he saw the contractor's men,

when making the sewer at Crossavane, put enormous blocks of granite down over the pipe sewer, and that when he complained to them, they said they were sorry they had not more granite blocks to put down as it would give them more work. What do you say to that, Mr. Doyle?—I never saw that kind of work going on. The inspector, Mr. Milliken, will be able to tell you all about it.

2272. I thought the excavated material should be carefully filled in around the pipe. Surely you cannot say that putting down blocks of granite as described was a compliance with the specification? (No answer.)

2273. Mr. BARRETT (Chairman).—I did not see blocks as large as you describe, Mr. Burke.

2274. (Witness).—I saw them. They were originally of enormous size.

2275. Mr. BARRETT.—They should not have been put down.

2276. Mr. EDDY.—If not, how and why did they come there, that is the point? Why were they brought from the quarry?

Mr. Doyle.—I cannot say that.

2277. Mr. LAWLESS.—What excuse can you give for this, Mr. Doyle?—I am able to say it was not done.

2278. Why?—Because I did not see it.

2279. Mr. EXHAM.—Mr. Burke says he saw it, and that it was going on for a long time.

2280. Mr. Doyle.—He may have been inside the ground and seen the stones, and not outside of it.

2281. (Witness).—Mr. Burke, why the blocks were regular rocks, and they were put down into the sewer over the glazed pipe. I saw it done. I think Mr. Barrett may remember that I remarked it to him at the time.

Mr. James McEvoy examined.

2282. Mr. LAWLESS.—You want to examine Mr. Pallas with reference to the plans upon which the loan of £10,000 was obtained?—Yes.

2283. What do you want to prove?—I wish to show that these plans were badly prepared, in fact that the drainage of the township was not carried out as everyone understood it was to be, and that the plans were altered after the loan was sanctioned without notice to anybody, and that the work was not done according to contract or in a proper manner. I will elicit greater evidence myself, or I offer Mr. Pallas.

2284. Were you a member of the Board at the time these plans were brought in?—No, the plans were brought in 1874. I was not on the Board that year.

2285. When did you come back to the Board?—On the 1st January, 1875.

2286. How long were you off it?—One year—1874.

2287. Was not the Provincial Order obtained in April, 1875?—The inquiry was held in October, 1874, but the Act was not passed until 1875. I intend to give evidence myself on a few matters. Mr. Pallas will give engineering evidence of importance. I intended to show that the district I represent has been entirely neglected.

2288. Where do you represent?—Monkstown ward, where as yet, although in the possession of the £3,000, they have not as much as asked for or invited tenders.

2289. Mr. DOYLE.—Cumberland-street, and other places in the ward, including Ballymount, have received the benefit of the scheme. We intend to go before the Local Government Board to ask for leave to go on with the works.

2290. Mr. LAWLESS.—He says that he will, or the Commissioners will have to go before the Local Government Board before they can go on with the work. Do you not, Mr. Doyle, mean or propose to go on with the work until you go before the Local Government Board?

Mr. Doyle.—I do not know what my Board will do.

2291. Mr. EXHAM.—Is there a minute of the Board stating that the works will be suspended in the event you speak of?—The work referred to is part and parcel of the contemplated scheme.

2292. Have you submitted any report to the Board on the subject of this suspension of the works?—No.

2293. Is it only your own idea then?—Yes.

2294. Have you received any directions on the subject?—None.

2295. Or given any?—No.

2296. Have you had any directions whatever given you in reference to the Monkstown-crescent work?—No directions, sir.

2297. Did you at the time think it was necessary for the health and comfort of that locality that a sewer should be made?—Well, yes.

2298. Did you think so in April, 1874?—We only commenced our sewer works last June, and in consequence of difficulties arising between myself and the committee, they have stopped the works.

2299. Is there a resolution of the committee stopping the works?—Not stopping.

2300. I cannot understand you. Did you stop the work on your own responsibility?—No.

2301. Who then gave you the orders to suspend the sewer work in Monkstown?

The Town Clerk.—When more pressing works are completed, this will be one of the first sewers taken in hand.

2302. But what authority was there for stopping it at all—was there a resolution?—There was not, sir.

Mr. McEVoy.—The Board obtained a considerable loan to do the work, and the ratepayers are paying for it.

The Town Clerk.—Monkstown ward is getting quite its proportion of the works carried out.

2303. Mr. McEVoy.—Glasnevin is getting the whole of it.

2304. The Town Clerk.—I am sure; and I may so inform the Commission that the sum of £3,000, which has been borrowed, will be equally divided over the wants of the entire township. One locality will not be favoured over another.

2305. Mr. ENNIS.—There is an objection to doing too much work at a time, for the sake of the rates.

2306. Mr. EXHAM.—Yes; but the peculiar thing about this Monkstown Ward work is, that Mr. McEvoy, as I understand him, says Mr. Doyle told him it was not intended to do it at all.

2307. Mr. LAWLESS.—We will now hear Mr. Pallas.

Mr. Doyle.

MR. ANDREW PALLAS, C.E. examined.

2308. Mr. EXHUM.—What is your profession, Mr. Pallas?—I am a Bachelor of Arts of Trinity College, an engineer of several years' standing, a member of the Institute of Civil Engineers of Ireland, and entitled to be a member of the Institute of England. I have been engaged in hydraulic works nearly all my life.

2309. Were you ever in the employment of the Kingstown Town Commissioners?—Yes, in April, 1867, first.

2310. Did you furnish the Commissioners with any plan or report with reference to the drainage of the township?—I furnished a preliminary report, and I then turned my attention to a plan for the drainage of the township.

2311. When you came here, were you directed to examine the sewerage of the township?—Yes; and I prepared a plan with levels suitable to all-sized houses in the township, and specifications with proper sections. My plan sighted the level of the lowest basement story in the streets.

2312. Did you make that plan to enable you to prepare a scheme?—Yes; a system adapted to drain the lowest basement story.

2313. So that no single house would remain undrained?—Yes; no single house.

2314. Did you prepare proper sewerage plans?—Yes; in accordance with the suggestions of the Local Government Board of England.

2315. How long did you continue in office as town surveyor?—I think until December of the same year.

2316. When did you furnish the plan?—On the 29th of November I furnished my report and the plan, and the estimate with them.

2317. Did your system combine the sewerage of the whole township with intercepting sewers?—Yes; I included the whole of the recognised township. I intercepted all the sewerage which is causing so much nuisance, and I carried it through my system to the extreme end of the township, as far as fast, as I could go under my instructions.

2318. Did you furnish the plan to the Commissioners, which you prepared as the foundation of your scheme?—I did, and a report on the 22nd of November, 1867. The plan and my scheme met with a great deal of local opposition, and I was very much worried in consequence, so much so, that when I received an offer of an appointment from the Secretary of State for India, for irrigation works there, I went to that country in 1868. I was only with the Commissioners from the time they appointed me in April until November, and I got no remuneration from them.

2319. Had they your plan then for nothing?—No, I did not give them up until I was paid for them.

2320. How much?—£70.

2321. Did you leave them then a complete set of plans, levels, and sections?—Yes.

2322. Did your plan include the drainage of these disgusting lanes we have heard so much about?—Every one of them.

2323. Was it a complete system to serve rich and poor?—I had a level for every lane and court in the township, and I provided for the drainage of every one of them.

2324. In order to enable you to do that, did you go personally into all these places?—I visited every one of them.

2325. From the condition of these at that time, what do you say to Dr. More Madden's report?—In 1867 these places were quite filthy, and just as described in that book. When the cholera was here, it was especially bad in Crosswhite-park. A friend residing there told me that he had to get a drainer or sewer opened in order to have it cleaned out, but there was not a sufficient fall to the sewer to allow it to be properly cleaned.

2326. Would your plan have got rid of all that?—Certainly.

2327. Does that state of things exist there now?—

No, I believe it has been remedied since. It was in a very bad state then.

2328. When again did you turn your attention to the sewerage of this district?—In the year 1873. I attended an inquiry held on the subject, which was held by the direction of the Local Government Board.

2329. Have you seen the weak themselves as they are being exercised?—I have seen a certain portion of them. I have seen portions of the work at Glenavy-road, Bremfi-terrace, and Mulgrave-terrace.

2330. In your opinion is the eighteen or the fifteen inch pipe sufficient to provide for additional drainage which will flow into the pipe?—I cannot tell unless I know the area drained into it.

2331. Can you not tell from the plans?—Not without sections giving the discharge of the sewer; but I certainly would not put in a sewer less by twelve inches than that contracted for.

2332. Mr. LAWRENCE.—Supposing a sewer three feet by two was intended to be put in, and an eighteen or a fifteen inch pipe substituted, would either of these latter sizes be sufficient for the purposes of efficient drainage?—A fifteen or an eighteen inch pipe would be insufficient under the circumstances.

2333. Mr. EXHUM.—Have you looked yourself at some of the sewers constructed?—I have.

2334. Was there fall enough—was the water stagnant?—I saw water lodged in the Mulgrave-street sewer, and my opinion is that if there was a proper fall that would not be the case.

2335. Did you see the water lodged there?—Yes.

2336. In your opinion, as an engineer, should there be pegs or some such mark put down from place to place for the purpose of showing the clerk of works or contractor at what levels they should carry their sewers?—The practice is to give them levels every twenty or twenty-five feet, and to put a board across each centre line.

2337. Do you do that yourself?—I or my assistant. It is absolutely necessary to do it to insure the carrying out of the work at proper levels.

2338. From what you observed of the sewers being constructed here, can you say whether or not any such course has been adopted?—In none of the sewers that I saw were there any level pegs, nor did I see any centre lines. I looked specially for them.

2339. With regard to the materials used in the construction of the sewers, did you examine them?—I did, and I looked to the workmanship of those in progress.

2340. Did you examine the basement of the arches where they are cemented together?—Yes.

2341. Have you heard the specification read here?—"Best county Dublin grey stock brick"? Are the bricks used of that description?—They are not.

2342. What part of bricks are being used?—I should say Boghall bricks. The bricks being used are not of the kind or quality known as "best county Dublin grey stock brick."

2343. Are they suitable for the work of these sewers?—I should not allow them to be put in.

2344. Are they according or equal to those contracted for?—They are not.

2345. Have you seen that difference in the brick in more places than one?—I was asked to go to Glenavy-road, and they are not the best county Dublin grey stock brick which are used there.

2346. Are they suitable for the work?—No.

2347. Did you see any bad bricks amongst them independent of the description of brick?—I did.

2348. Did you see in the specification the description given of the bricks to be used?—I did.

2349. Are those used equal to that?—They are not.

2350. Are there bits of bad brick amongst them?—Yes, and bad whole bricks.

2351. Independent of their being of a different make and quality?—Yes.

Kingsdown
April 22, 1877.

Mr. Andrew
Pallas, C.E.

Kosciusko,
April 12, 1921.

Mr. Andrew
Palmer, Q.C.

2359. In what cement are those bricks laid?—They are not in the cement constructed for.

2360. Is there a distinction between best London cement and Portland cement?—There is. The best London cement is the best.

2361. Is there any difference in the price?—There is a difference in the quality.

2362. Is there not a cement manufactured somewhere in the south of England?—Yes.

2363. Is what is called in the trade "Best London Portland cement," the best quality known?—Yes.

2364. Better than any you could get out of London?—Yes.

2365. The cement used in the sewers is to be of that quality. Is the cement you saw used even "Portland cement"?—I do not believe it is Portland cement at all.

2366. What cement do you believe it to be?—I believe it is Scotch cement—Glasgow cement.

2367. Mr. LAWLESS.—Is that sold at a lower price in the market than the other descriptions?—Yes.

2368. Mr. EXHAM.—Do you happen to know the difference in the price?—I know there is cement made in Glasgow which is of greatly inferior quality. It was used at the construction of the Vartry waterworks, but had to be all taken up again; it didn't harden at all.

2369. Is it with reference to that difficulty that these terms are in the contract, "It is expected to harden within half an hour"?—Yes. It is necessary to have the cement set quickly in order to prevent the water from getting in. They use lime-mortar in the sides.

2370. Is it only in the bottom the cement is used?—Yes.

2371. In the Mulgrave-street sewer?—Yes. The side walls are only half a brick thick and backed with clay.

2372. Is that all?—Yes; that is quite thick enough for the sewer if it is built with cement. (Hands in specification of the London main drains, which says that all the work is to be in cement.)

2373. Is there anything in the Kingstown contract binding the contractor to have the whole done in cement?—No.

2374. This (the London specification), is for low-level sewers. At all events in the sewers here the bottom is to be in best London Portland cement—The cement I saw used is not like it in colour.

2375. In your opinion when constructing sewers should the ventilators be put in as the sewers progress?—Certainly; I have searched the whole Gresham-road end and I could not find one. There should be a man-hole at every ventilator.

2376. How are those ventilators to be put in now?—They must again break up the road. I should put in a ventilator every 100 yards, and that as I go along with the sewer.

2377. Has that been done here?—No.

2378. Is there not a single ventilator to be seen on that road?—I have not seen one.

2379. You say you saw water running on the Sandy-cove-road?—Yes; and the trench was full of water.

2380. Are the pipes there jointed?—I saw no cement for joining, and those I saw were not jointed.

2381. Were the men then laying them?—Not on the day I saw them—it was on Sunday.

2382. Did you see any of them lying in their beds?—They could not be jointed and the trench full of water; the water must be taken out of it.

2383. Mr. LAWLESS.—You say you saw them on Sunday?—Yes; there was no cement on the ground.

2384. Did you happen to see them on any weekday?—I did not. I saw Burdett-circus sewer and it was not jointed.

2385. Suppose they are allowed to remain in that condition will they be affected in any way?—Of course the surface-water will percolate into the sub-soil, and will get into the pipes, which, of course, will throw extra work on them. They won't carry off the sub-soil water.

2386. Mr. EXHAM.—Did you see a wall broken near the sea?—I did.

2387. What has become of the sewage now?—It is trickling through the material of the wall, and out on the fore-shore. The shore in the summer time must be in a horrid state—that is at Scotch Bay.

2388. Did you see anything at Sandycove road?—That is the sea I mentioned. I saw the new pipe severing discharge into Bullock Harbour.

2389. Is that the outfall of the sewer?—I saw it after the storm.

2390. How high does it fall?—It has several feet of a fall on the shore. It is an old cut.

2391. Does the new outlet join the old one on the same level?—It apparently went into the old level.

2392. You mentioned about the side of the sewer being only half a brick thick: is there no backing put to it?—No.

2393. Ought there to be?—There ought.

2394. Should not the rock be excavated away so as to leave an even bed for the sewer?—Underground.

2395. Can you say if that is done?—What I saw was not done. It was a brick sewer and the bottom was made on the back, and put in without any concrete bedding at all. If a point of rock comes on the pipe it must break it. I have had iron pipes broken in this way.

2396. Mr. LAWLESS.—I think in this particular case the contract does not require that to be done?—It ought to be so; if not, it shows a defect in the plan.

2397. However that does not show that there was any departure from the contract?—No.

2398. Mr. EXHAM.—Is there any reason why what is called an intercepting sewer should be constructed in a different way from others, because I see Sir John Hawkshaw provided that his proposed sewer should be surrounded with concrete?—Mr. Doyle's sewer is a totally different one; it is partly rubble.

2399. Are you able to form any idea with reference to the drainage proposed to go down Albert-road, whether a twelve-inch pipe is anything like sufficient to carry off the drainage from it?—I should think most certainly not, because that road is very level and the fall is very slight.

2400. From the fall of the road, is it possible for that size of a pipe to do the work required?—I do not think it possible.

2401. What do you say, as an engineer, to making an eighteen-inch pipe discharge into a nine-inch pipe. Is that a proper system of sewage?—If there is an eighteen-inch pipe of course a nine-inch pipe would not be sufficient to take the discharge from it; that stands to reason.

2402. (To Mr. Doyle).—Did you ever under my examination of the amount of rock in Glasthule distinguish from Monkstown. Is there more rock in Glasthule ward?—There is.

2403. We have the fact that the Glasthule works were done within the estimate. The sewage could be made cheaper in Monkstown ward than in Glasthule. Will Monkstown be more expensive than Glasthule?—No; Glasthule was done for £2,010, and it was more expensive than the sewers of Kingstown.

2404. (To Mr. Doyle).—Have you seen the way in which the house drains are being connected with the main sewer?—I saw in Mulgrave-street some nine-inch pipes built in the wall in the brick sewer.

2405. Are they connected in a proper manner?—I think if the side wall was in cement they would be properly done, but the sewer being laid in mortar I do not think they are right.

2406. Have you seen any of these houses at Lavent-torpe?—No.

2407. Can you give any opinion about them?—Not except from what I heard.

2408. What is the defect in laying the junction pipes into the sewers as at present constructed?—I think the way of laying the house pipes into the drains, which has been described, is objectionable.

2402. In what way?—I think that the pipe for the bottom drains should have a junction made for it on the bottom of the sewer, and be connected with the house afterwards.

2403. Have you anything to say about the sewers at the crossing of streets?—I think there should be a man-hole at every intersecting street, and every man-hole should have a ventilator.

2404. Has that been done as far as you saw?—No. (The questions which follow were put to Mr. Fallon at the request and on the suggestion of Mr. Doyle, the town surveyor.)

2405. Mr. EXHAM.—Have you ever executed any sewage works yourself?—I have.

2406. Where?—I was employed on the plans of the Dublin Waterworks.

2407. Did you ever execute any sewage works?—I have executed some in India.

2408. Sewage works?—Yes.

2409. Did you ever execute any in Kingstown?—I was only ten months in Kingstown.

2410. Did you construct any sewage in De Vesci place?—I did, for Mr. Stewart.

2411. Was that drainage?—It was.

2412. Did you put man-holes and ventilators on it?—No; it was a private place. I did not put any ventilators. I prepared it for Mr. Stewart; it was paid for by him.

2413. What was the length of it?—I could not say. There was no ventilator put on, and I may add that I recollect the reason why. The question of ventilation was very much discussed at the time, and it was considered very doubtful whether it was best to put them on or not.

2414. Did you provide ventilation on the intercepting sewer in your plan?—I did; I calculated for ventilation at the time.

2415. Did you prepare any estimates for the main drainage of Kingstown?—I did, and I took into account the cost of putting ventilators at the man-holes.

2416. Did you estimate work in Kingstown twenty-seven feet deep, at £ a yard?—I cannot recollect it.

2417. Did you estimate the cost of work setting twenty-seven feet deep, at £ a yard?—I am perfectly certain I never did anything of the kind. There may have been a portion of the work that depth—at one point it might be twenty-seven feet deep, and at another less, and so on, and I may have averaged the cost of the whole at £.

2418. It is impossible to find out from these papers whether there is such an estimate (referring to papers handed to Mr. Exham by Mr. Doyle). Was this proposed by you (handing papers to witness)?—Yes.

2419. Can you find it there?—This is only a rough draft that I gave them. Whether it is the final estimate or not I do not know now. Here is one place mentioned as being twenty-seven feet deep, here's another place twenty-two, and another thirteen, and so on, and the cost of the various depths is averaged at £. Here is another place only six feet. I considered that £ at that time would have been a fair price for the whole work.

2420. Did you leave out Dúnlaing in your plan, leaving the old outlet there still?—My intention was to intercept the sewerage there going into the harbour. I could not interfere with the old outlet.

2421. What was the amount of your estimate for the sewer to Sandycove, not including damage to property and right of way?—I cannot recollect.

2422. Can you say from recollection whether it was £6,000 or not?—My estimate for the entire intercepting sewer was £11,300, and for internal sewers £17,000 at that time. I have no copy of the estimate which I handed to the Town Commissioners. I am able to give you the totals; No. 1 scheme was £38,262.

2423. What scheme was that?—For one outfall; that included the local drainage. Of course prices are very much increased now.

2424. What was the other scheme?—It was for two outfalls; the estimated cost was for Kingstown £31,000, including local drainage, and Glasnevin, including local drainage.

2425. In your plan for the sewerage of Kingstown, was there any provision made for ventilators?—They were estimated for.

2426. Have you ever made mistakes in your estimates—estimated the cost of any work at too little. What percentage of mistakes is usually calculated?—Every engineer makes mistakes sometimes. I made an estimate the other day, and the contract was taken at four and a half per cent. over it. Parliament always allows us ten per cent. to come and go on.

2427. Did you ever compete for any work at Howth?—Yes; I made a design.

2428. For the drainage of the town?—Yes.

2429. By whom is the drainage plan being carried out?—I do not know.

2430. You are not doing it?—No.

2431. That is to say your plan was not accepted?—It was not.

2432. Have you had a large experience in doing work as an engineer? Will you tell me what works you have been engaged on?—I was engaged first on the Board of Works in 1854 on Lough Oughter; I was then engaged in a survey for the Grand Trunk Railway of Canada until the Chinese war broke out, and I came home then. I subsequently was engaged at making railways, and various other works of importance.

2433. Are you acquainted with the mode in which the internal drainage of Dublin is being carried out—I mean the material used, and the way in which it is laid down?—I know the system on which it is being carried out.

2434. Will you look over one of these contracts. (One of the contracts for the sewerage work of Kingstown was handed to witness). Can you point out any difference between that and the mode in which the work is required to be done in Dublin?—I have seen the old contracts for Dublin, but I do not know if they are done in that way or not. I believe this specification to be principally made from the Dublin one.

2435. Is it substantially the same?—I believe it is copied from it.

2436. From what you see in Dublin, would the bricks you say you now used here be accepted as the best county Dublin grey stock brick?—I am certain they would not be taken as any such thing.

2437. Is there any difference between Mr. Doyle's system of carrying out the work and that followed in Dublin?—I am perfectly certain that Mr. Doyle's system of carrying out the work would not be followed in Dublin, because I know that the levelling pegs are used there, and here they are not.

Mr. THOMAS SEXTON examined.

2438. Mr. LAWLESS.—Are you the contractor?—Yes.

2439. We saw here two or three specimens of

Kingsdown
April 21, 1871.

Mr. Andrew
Fallon, c.s.

Mr. FREDERICK BARRETT examined.

2441. Mr. LAWLESS.—You wish to give evidence with regard to Mr. Sexton's contract?—Yes, I saw the contract this morning.

2442. How much of it is spent?—About twenty yards.

2443. Is it capable of being used and examined?—

Mr. Thomas
Sexton.

Mr. Frederick
Barrett.

Kennebunk,
April 25, 1871
Mr. President
Senate

2445. Is that Mr. Sexton's foreman?—Yes.

2446. Did he tell you where he got the sections?—I know from the sections that they are got out of the office.

2447. Is that a brick sewer?—Yes, three feet by two feet.

2448. Did you examine the materials there?—I did.

2449. In your opinion is the work there properly done?—So far as I saw it is fairly well done. The blocks are all in Orchard cement instead of best London Portland.

2450. Mr. EXHAM.—Is that Scotch cement?—No; it sets quicker than the Portland cement. It sets very rapidly, and on the whole it makes a very good job.

2451. How soon will the Orchard cement set?—It ought to set very well in two days if there is dry weather.

2452. The specification says the cement used should be the best London Portland cement, and should set in half an hour?—That is a different thing from having it fit to go into the work.

2453. Will it set in half an hour according to the meaning of the words used in the contract?—No, it would take about an hour. No Portland cement that I ever used would set in half an hour; it would bind itself, but it would not fit for use.

2454. What is the difference in price between Orchard cement and best London Portland cement?—There is about 12s a ton. The Orchard cement is that much cheaper than the other.

2455. Where is it manufactured?—In London most of it. There is Portland cement made in several places besides London, but the London cement is the best.

2456. Is the Orchard cement as strong as the best London Portland cement?—No, it is not so lasting.

2457. Is there an article known in the market as best London Portland cement?—There is.

2458. So far as you saw were the bricks used in the work the best county Dublin grey stock bricks?—The bricks in the portion of the work that I saw were good bricks. They were the best county Dublin grey stock bricks.

2459. Were they of the kind described in that contract, full size, &c.?—All that I saw were.

2460. Did you see any small bricks?—There were half a cart load set on one side as unfit to be used in the work.

2461. Mr. LAWLESS.—Were those bricks that you saw county Dublin grey stock bricks?—Yes.

2462. Are you speaking of those you actually saw in the works?—Yes.

2463. Did you see any of those prepared to be put in?—I did, and most of them were very fair bricks. There were a few that I would say ought to be put aside.

2464. Mr. EXHAM.—Were all the bricks you saw these county Dublin grey stock bricks?—Yes; there is no choosing between these and the Boghall bricks. The Boghall won't do where there is running water.

Mr. Myles Kelly examined.

2465. Mr. LAWLESS.—You are a Town Commissioner?—Yes, for a long time.

2466. What do you wish to say, Mr. Kelly?—I want the town clerk to hand me the water contract with the Corporation of Dublin, and I wish to say that at present outsiders can bring bills into Parliament which are injurious to the interests of the township. I think that corporate bodies should be the only parties who should have power to prosecute bills affecting the township.

2467. We have not any power to inquire into such a matter. When was that contract made?—On the 8th April, 1859.

2468. What was the contract?

2469. Town Clerk.—To supply the water; the terms are these. (Heads) —>

2470. Is not the Malgrave-terrace sewer made through very rocky ground?—It is.

2471. Can you form any opinion as to whether the rocks were cut away so as to leave a proper and level bed for the pipes?—So far as I could see the bottom of the sewer was very fairly laid. The water was running very fairly, and I think the level must have been very well carried out.

2472. Do you know the Glenavy road sewer?—No, I do not. It was only this morning that Mr. Sexton sent me its.

2473. Which is the Orchard or the Portland the quickest setting cement?—The Orchard.

2474. Mr. SEXTON.—During the wet season the Portland cement would not set.

2475. (To Mr. BURKE).—You say it is not so dear as the other?—It is not.

2476. If you were working on a contract which bound you to use best London Portland cement would you consider you might use Orchard cement?—Not unless I got liberty to do so.

2477. Do you approve, Mr. Pallas does not, of making only the bottom of the sewer with cement, and the other part in mortar?—I think it should be in cement to the water line, and the walls in mortar.

2478. Do you think it would be necessary to put concrete behind the mortar portion?—In some cases it would be desirable to do it, but where the rocks are close, a good bank of clay is as good as anything. This is another observation I think it fair for me to make. I have not spoken to Mr. Doyle for nearly twelve months.

2479. Do you consider it a good plan in making the house junctions to have the drains drop down perpendicularly?—No; I do not.

2480. In setting pipes do you think they should be joined?—Yes, with stanching clay, except under houses.

2481. What would you say if you saw water coming from the joints?—Mr. Sexton has as good stanching clay as there is in Ireland, and has joined the pipes. Mr. Sexton has done work for me for fourteen years, and I always found him to do it very carefully.

2482. How long did it take to do the piece of sewer that you saw open?—I should say considering that the weather has been very wet that it must have been done about a week. I do not think it could be done either yesterday or today.

2483. Were you employed here to examine and test Mr. Doyle's estimate?—Yes.

2484. Did you estimate that the entire work could be done for £10,000?—I cannot say how much my estimate was, but it was something under Mr. Doyle's.

2485. It turns out now that it cannot be done for that?—It ought to be. The prices were simple and fall. I have been preparing estimates for nearly four years, and I am never much astray.

2486. In Lower George's street, Mr. Doyle's estimate was £764, and the lowest tender was £1,000. Were you examined as a witness before Mr. Robinson?—Yes; and I was sworn.

Mr. Mylne
M.D.

Mr. Myron KELLY assassinated.

2883. Mr. LAWLESS.—You are a Town Commissioner?—Yes, for a long time.

2483. What do you wish to say, Mr. Kelly?—I want the town clerk to head in the water contract with the Corporation of Dublin, and I wish to say that at present outsiders can bring bills into Parliament which are injurious to the interests of the township. I think that corporate bodies should be the only parties who should have power to promote bills affecting the township.

2484. We have not say power to inquire into such a matter. When was that contract made?—On the 5th April, 1859.

1488. What was the contract?

2486. Town Clerk.—To supply the water; the terms see these. (Reads) :-

"The natural water or soil is to be paid half-yearly, on the 1st January and 1st July, to take and carry the water from the soil reservoir or a pump into there, shall be a mere equivalent, than can be obtained by £100 in the pound as the Government, or other valuator, from time to time, on the reasonable valuation of the township, and in addition the Commissioners will pay the Corporation by £10 in the pound on the probable value of the township, for such water as they may require for manufacturing or any such purpose. Each two years of £10 and £10 making a total of £40 in the pound, shall be paid into the Exchequer by the Commissioners."

2487. Mr. Kelly.—We are now paying 5d. in the pound. We had a contract from a person for laying the pipes from the Stillorgan reservoir to Kingstown for £3,450. For that outlay we would have had water in Kingstown for ever at 5d. and 1d. in the pound. Dailey got it at 1d., and I see no reason why we should pay 5d. when we were nearer the water than Dailey.

2488. Why, then, did you not contract it?—We were not in position to continue that year.

2489. Suggested by Mr. Kelly (to Town Clerk).—Was Mr. McEvoy qualified by his rating to be a Town Commissioner in the year 1870?—If I search the book I could tell you. My recollection is that his valuation was £32 in 1869 and 1870, but that it afterwards stood at £38.

2490. Did he continue to be a Commissioner up to 1873 or 1874? Was he nominally on the Board?—Yes.

2491. Did he go through the form of election?—He was on the list of defunct candidates, but he claimed the seat of another gentleman, and that gentleman resigned. He took proceedings.

2492. Mr. LAWLESS (to Mr. Kelly).—Did Mr. McEvoy get an adjudication of the Court of Queen's Bench in his favour?—He did.

2493. Were you on the Board at the time?—I was.

2494. Why did you not question his qualification then?—Did you continue to sit at the Board with a gentleman who was not qualified?—I did. I was not going to incur legal expenses in the matter.

2495. Mr. McEvoy handed to the town clerk, a document except for the year 1870.

2496. Town Clerk.—This would show a valuation of £27 in that year.

Kingsdown,
April 14, 1877.

Mr. Kelly.

APRIL 14, 1877.

April 14, 1877.

Dr. HENRY COLEMAN, consulting sanitary officer, examined.

Dr. Henry
Coleman.

2497. Mr. LAWLESS.—How long is it since you were appointed?—Three years.

2498. Do you make any reports on sanitary matters except called upon to do so by the Commissioners?—Not except called upon by the Sanitary Board of the Commissioners.

2499. How often does that Board meet?—Every Friday.

2500. Do you attend the meetings?—Yes; I come down to the Board every Friday.

2501. Is that your regular duty, and do you come down whether requested or not?—It is; and I come down as a matter of course.

2502. Do you take part in the discussion, or give to the Board the benefit of your opinion on sanitary matters?—Yes, whenever the Board require it.

2503. I presume you are acquainted with the town?—I am for a long time.

2504. Do you know the sanitary condition of the poorer parts of the town?—Yes, they are steadily improving. I think there might be some more drainage in the over and long ways.

2505. Mr. EXHAM.—Did you read Mr. Holliday's report on the sanitary state of Kingsdown?—I am aware of it, but I don't think I have read it. It appeared before my time as a sanitary officer in the town. Great improvements have been made in Patrick-street, for instance.

2506. What were the great improvements?—Dr. O'Flaherty has had a great deal done.

2507. Are you, as a medical man and a sanitary officer, satisfied with the present state of things?—They have for some time been steadily improving, and in a short time again—say in another six months—matters will have greatly improved.

2508. Did you hear me read out of Mr. Holliday's book, a description of the condition of several places within the township in his time? We have taken Dr. O'Flaherty, whose evidence was of great importance, whether nuisances of that kind still exist, and he said he was sorry to say they do, and that there were several privies yet required?—I agree with him.

2509. Is it your duty to examine these places?—No; it is not. I agree with Dr. O'Flaherty's evidence from my general knowledge of the places referred to.

2510. Do you know their condition from personal inspection?—Well, not directly. I give my opinion and assistance to the Board on such matters pertaining to public health as I may be consulted about.

2511. We have it on the notes that there are several houses in Kingsdown unfit for human habitation?—Well, you know that is another question.

2512. Are there, doctor?—I believe there are.

2513. How many?—That I cannot say.

2514. Mr. LAWLESS.—Are there many houses occupied by poor people which you consider unfit for human habitation?—Well, I don't know that. It is not my duty to visit these places. I believe Dr. O'Flaherty spoke about that.

2515. Mr. EXHAM.—Do you know any such places near a place called "Finglins" or "Pig-bank," which, as described by Dr. O'Flaherty, are entirely without any real accommodation?—Yes; I believe there are a good many houses without real accommodation.

2516. Are these places which are absolutely without real accommodation, and occupied by the poorer and working classes, looked after by the Commissioners?—They are.

2517. Are they sufficiently attended to, in your opinion?—In that I am not directly concerned.

2518. Have they provided these places with sheds or privies?—I am not sure.

2519. (Suggested by Mr. McEvoy).—Have the Commissioners ever asked you to report on the sanitary condition of the town?—No, that is not my duty.

2520. Mr. EXHAM.—The result of the evidence before us is that there are several places in the very same condition as they were in 1866 when Mr. Holliday reported, and I take the effect of Dr. Colgan's opinion to be that there has been great improvement effected, but there are still several places in the condition then described.

2521. Mr. LAWLESS.—The result also, to my mind, is that the improvements have been effected by the introduction of the Vartey water supply. It appears that at that time the poor people had to buy a bucket of water, but now they can get it in abundance from the fountains. However, the Vartey water has not been brought up into the houses and courts through any pipes, and still in many places there are no sewers, no real accommodation, no privies, no sheds. There is no receptacle provided for filth, and it is thrown into the street after nightfall. From all the evidence up to this, we distinctly understand that several of the places remain in precisely the same condition they were in when Mr. Holliday made the report in 1866, which was followed by that of Dr. More Madole in 1867. If the Commissioners think that is not the fair result of all the evidence up to this we will gladly hear any evidence to remove that opinion.

2522. Mr. McEVY.—I gave evidence, as will be seen from the "Minutes of Evidence" given before the Select Committee of the House of Commons that passed the Kingsdown Act of 1869, with reference to the sanitary condition of the town. The Committee was on private Bills (Group M), and commenced its sittings on April the 20th, 1869.

Dr. COLGAN'S examination resumed.

De Colgan.

2523. Mr. LAWLESS.—Do you find your suggestions are attended to by the sanitary committee?—Yes.

2524. Mr. EXHAM.—Is this the general condition of any portion of the town in your opinion?—What I

am about to read is an extract from the evidence given by Mr. James McHenry, an inspector under the Sanitary Board, Dublin, before the Select Committee of the House of Commons, on the 23rd April,

Answers.
April 24, 1917.
Dr. Colgan.

1859. In paragraph 2 of a report which he made on the sanitary condition of Kingstown, and which he handed into the Committee, he states as his opinion:—

"That in many places within the town, in which there are as many as ten to twenty dwelling-houses, there is only one privy common to all, or even almost."

In the alleys, he says:—

"There is required more houses accommodation, and the State of several cases remains a common state, thereby causing a deplorable nuisance."

I ask you now, Dr. Colgan, if, according to your opinion, that state of things still exists? Is it a fact that there are ten to twenty dwelling-houses in some of those places, with but one privy or saltpit?—Well, I think there have been some privies built since that in those places.

2350. But, as a matter of fact, have there been?

Have you gone round to see?—I have not. It is not my duty to go round.

2351. In paragraph 3 in this evidence it is stated to the Committee:—

"That pigs and horses are kept in such close proximity to the dwellings of the people as to be injurious to health."

Is that allowed still?—Animals have been removed in a great number.

2352. Mr. LAWLESS.—You are aware that there is a large system of drainage work going on in Kingstown?—I am.

2353. Will the execution of these works effectively remedy the wants in these poor places, which you may require sewerage?—If it goes through these places it will improve them, of course.

2354. Perhaps you do not know what is contemplated?—No, I do not.

Mr. John Toulinson,

Mr. JOHN TOULINSON examined.

2355. Mr. LAWLESS.—Are you more or less to the Town Commissioners?—I am.

2356. Where are the stores kept?—Part of them are kept in the store in the market yard, and part quite near here. (Referring to a spot at the rear of the Town Hall.)

2357. Which is the principal store depot?—A certain portion is kept in the two places. One kind of material is kept in the market yard, and stores and such like in the other place.

2358. Are all these things under your care or storekeeper?—Sometimes I am engaged in the "upper yard," as distinguished from what we call the market yard.

2359. What do you mean by the "upper yard"?—A larger yard than the market yard.

2360. What are your occupations in the market yard, besides that of storekeeper?—I receive all material coming in, and see that there is the right quantity.

2361. Have you anyone to assist you in that?—No one.

2362. Are you occupied every day in the market yard?—Yes.

2363. How many hours in the day is your time occupied there?—From six in the morning to six or seven in the evening, weighing and superintending the weighing of the market produce sent there.

2364. Do you receive the market charges or payments?—Yes, the charges. The seller receives the payments, I receive the tails, and superintend the weighing of everything that comes in.

2365. Besides that, do you superintend and weigh all materials purchased by the Commissioners for the carrying out of their works?—Yes. I weighed 100 tons during the last three months. The Commissioners have nothing to do with what is sent in except to receive the tails.

2366. Does the business that you have told us of occupy your time?—Yes; from six or seven in the morning to the same time at night.

2367. What time then have you to devote to your duties as storekeeper?—Very little.

2368. Supposing, while you were engaged in one or other of your necessary duties, stores arrived, who would receive those?—Well, if they came to where I was I would give a return for them after having received them. A certain load of stones is confined to a particular yard.

2369. In that case you would receive it from the sender of your being present there at the time; but suppose material came to the lower store while you were in the upper, whose duty is it to receive it in your absence?—Whoever happens to be there; I suppose Mr. Duff.

2370. Who is Mr. Duff?—The head "ganger" and yardman.

2371. Do you keep an account of all the material delivered to the Commissioners?—I do, of all that comes under my notice.

2372. Supposing material is received by Mr. Duff,

who keeps an account of that?—Well, in that case he makes an account to me.

2373. Who keeps the books?—I do.

2374. When do you make the entries?—The moment the delivery occurs.

2375. Where are the books kept?—In the market store.

2376. Not in the office here in the town hall?—No, in the market store.

2377. Did you receive directions as to any particular form of book to be kept by you?—No.

2378. Do your books show the receipt of all stores that are delivered from time to time to the Commissioners?—Yes.

2379. Do they show the prices in all instances paid for them?—No.

2380. Do you give out of stores the materials required for the Commissioners' works?—Well, no, that is rather Mr. Duff's duty. The water inspector gives an order on me for what he requires, and then I give the material to him.

2381. By whom is the order signed on which the materials are given out?—Sometimes by Mr. Doyle, the township engineer. The order for material is usually presented by a carter.

2382. Do you preserve the orders?—Yes; I file and enter them.

2383. Can materials be delivered out of the store without a written order?—Yes.

2384. By whose authority are they delivered without an order, or who takes the responsibility of delivering them?—I take the responsibility of delivering when the water inspector presents the order. I do this when I know it has the sanction of Mr. Doyle.

2385. Is there any record kept of the articles delivered in your book?—Yes; certainly there is an account kept of all road materials delivered.

2386. Where is the asphalt kept?—In one of the yards.

2387. To whom is it delivered, and on what authority?—It is delivered to the carters.

2388. Is it true that the carters can go into the yard and take road material away without any order from the Commissioners, or anybody?—I take down the description of material and the name of the locality they are going to.

2389. To whom is the delivery of the asphalt intrusted?—To the carters. I take down where they are going to in a blotter.

2390. Do you remember the asphalt delivered to Mr. Crossinwade, the late chairman?—Yes.

2391. By whom was that asphalt delivered?—By a carter named Tools.

2392. Did you make a report of that?—I did, on the morning after it was delivered.

2393. Why did you make a report on the circumstances so early?—Because I was surprised, when I heard it had gone to Mr. Crossinwade; so, having made myself sure about it, I reported the matter to the Board on the following morning.

2562. What did you report to the board?—I reported that he had got it. It was not sent at the same time but that he got it by an order from the board, and that it was all right.

2563. Did you get an order for it?—No order came to me for it.

2564. Do you consider it right that stores should be delivered out on the order of Commissioners, or of anyone else, for private purposes?—I do not.

2565. Was this asphalt for Mr. Crosthwaite's own private purpose?—I understood that decidedly.

2566. Was any written order delivered to the man who allowed it out?—No. The carrier came in the usual way, as if it was intended to be used for township works. I have a memorandum of the date Mr. Crosthwaite got it.

2567. Have you a memorandum of the quantity he got?—Yes; and the date he returned the asphalt. Mr. Crosthwaite wanted to return it again, but I refused to take it back, saying, as some noise had been made about it I would not take it back again without directions, and I afterwards got the authority of the secretary to take it back.

2568. Mr. LAWRENCE.—Did you receive the same back again?—I did not. It was not the same.

2569. What was returned to you?—I received another quantity, consisting of ground limestone and bitumen.

2570. Was that the kind you gave out?—No, it was not. I gave out one kind and a different article was brought again.

2571. Was it equal in value?—I think what came back was better value.

2572. Mr. M'EEVY.—I have here a copy of the report which the witness made in reference to the matter.

2573. Witness.—I have the original memorandum with me.

2574. Mr. EKHAM.—Let us have the stockkeeper's report, the report of the 29th of November.

2575. Mr. M'EEVY.—It would be a good thing to allow the witness to go for his blotter.

2576. Witness.—I am not aware that the quantity is on the report, but let it be on the blotter.

2577. Mr. LAWRENCE.—Have you copies of your reports?—No, I didn't keep copies of them.

2578. Mr. EKHAM.—Did you know anything as to this asphalt having been taken for private purposes until after Mr. Crosthwaite had got it?—Not until some time after it had been weighed and taken away.

2579. Is anything taken out of the store without being weighed?—Nothing that I am aware of.

2580. Was this asphalt charged to Mr. Crosthwaite?—It was.

2581. Was it brought from the store to the yard to be weighed?—Yes.

2582. I understand you to say that nothing goes out of the store without being weighed?—Nothing that I am aware of, but the store is an open one.

2583. Could anything be brought out without your knowledge?—It could.

2584. Why?—Because the store was open.

2585. Was or is it?—Was and is every day.

2586. In the store left open from morning to night?—Yes; it is an open yard.

2587. May any carrier go into it?—Yes.

2588. For material?—Yes.

2589. What was done on your report?—The committee of the board made an order that no material should leave the yard after a certain hour in the morning.

2590. Was it suggested that no carrier should be at liberty to get material after certain specified hours?—Precisely.

2591. Was any particular carrier in the habit of getting these articles?—Yes, a man named Trolle took this, but another carrier named Doyle almost invariably took away the asphalt. I thought that if different carriers came in that would be better, but, as I said,

Doyle was the carrier who almost invariably came for the asphalt.

2592. Mr. LAWRENCE.—Would it not be better to let one man have the trust?—Well, I thought not.

2593. What was your reason for thinking that it should not be confined to Doyle?—Because I saw him coming to take it himself without bringing it up to me to be weighed.

2594. Did you think that the carrying out of your idea would result in an advantage to the stores in stock generally?—I did, certainly.

2595. Mr. EKHAM.—I see by your return there went out to Mr. Crosthwaite on the 7th of November 8 cwt. of ground limestone, and the further compound for the mixture consisted of bitumen. Is that so?—Yes.

2596. Did you get back as much as was received by Mr. Crosthwaite?—No; he got about 13 cwt., and he returned about 10.

2597. Mr. M'EEVY.—He returned asphalt which he did not get at all.

2598. Mr. EKHAM.—In point of fact—

2599. Mr. M'EEVY.—He appears to have retained four bags of rock asphalt that was not charged to him at all.

2600. (To Mr. Toulousses).—Who keeps those books?—They are all in my own handwriting.

2601. Do you weigh articles yourself—stores or the like?—No; the carriers weigh them in my presence. I hold a blotter in my hand, and take down all particulars—prices and so on.

2602. What is the meaning of an entry here, "No delivery"?—I will tell you. Generally before they come I know the carriers' names and the number of loads that are coming. You will find in the book you hold in your hand an account made up for January, February, and March, so that when each carrier comes in I enter the weight, and then the material is deposited in the Commissioners' yards, and afterwards delivered out by the Commissioners' carts for public purposes. Of the loads going out I keep no account. The quantity which came into the yard in January was 211 loads, and I have three columns in my book for the entries.

2603. Mr. LAWRENCE.—What system of keeping your accounts have you?—Well, no particular system.

2604. Supposing stores were unlawfully obstructed—stolen in fact—have you any means of detecting the loss from your system?—No, because the material is taken away by the men's carts to put on the roads.

2605. Then, according to that, may not the Commissioners' carts take stores away to any private person?—Yes.

2606. (Suggested by the Town Clerk).—Did you not get books to be carried on on the same plan as that of your predecessor?—No. Where is it or where was it?

2607. Town Clerk.—You had it.

2608. Witness.—I got three books from you, and not more.

2609. Do you carry on the books as your predecessor did?—I have no particular system, but what I consider best. I only use the three books which the town clerk gave me—three memorandum books. Each contains a number of columns—three, I think.

2610. Mr. LAWRENCE (to Mr. EKHAM).—Do you mean to say that the stockkeeper did not follow the directions of the Commissioners?

2611. Town Clerk.—That is so.

2612. Mr. EKHAM (to Mr. Toulousses).—How long have you been stockkeeper?—About two years.

2613. Have you ever been brought before the Board for any fault or complaint against you?—No; except in the case of Mr. Henry, who complained of me to the Board.

2614. Mr. LAWRENCE.—Did you receive in April, 1873, a copy of instructions, as to your duty as stockkeeper?—I don't recollect.

2615. Town Clerk.—There was such a document and there must remain some record of it. He would have got a copy, not the original document. (Handed in document.)

KINROSSHAW.

April 16, 1877.

Mr. John
Toulousses.

Kilkenny,
April 14, 1871.
Mr. John
Tomlinson.

2633. Mr. EXHAM (reads it)—

"The storekeeper was this day called before the Board, and it was resolved that the storekeeper for the time being should manage himself in charge of all goods, both in town hall yard and stores, and no goods were to be removed from the town hall yard or market without notice to the storekeeper, and so an order from the town surveyor and signed by him."

2634. Witness.—That is in reference to sulphite.

2635. Mr. EXHAM.—And after the foregoing instructions, a resolution is passed:—

"That the storekeeper is to be in the market from seven in the morning to six in the evening."

That is in one place during all that time.

2636. Town Clerk.—He is in constant communication between the two yards morning, noon and night in fact.

2637. Mr. LAWLESS.—He tells us that his time is occupied from morning till night in duties other than those of storekeeper.

2638. Mr. EXHAM.—How is he to prevent a cart coming in and filling a load of stones when he is not in the place where the stones are?

2639. (To Mr. Tomlinson).—Have you on any occasion given out anything without a written order?—I never have.

2640. A written order I say!—Never without a written order from Mr. Doyle the township surveyor. More material might be in the carts or less than was actually ordered when it would come to be weighed.

2641. Do the men come down to the stores, fill the carts and then come up to you to have the loads weighed?—Well if the man with a certain load is honest it is all right, but if he likes to take it away by cart. It is removed after being weighed, to where it is ordered.

2642. Mr. LAWLESS.—It appears to me that the minute called the "storekeeper's directions" is completely disregarded in practice to the knowledge of the Commissioners themselves.

2643. Mr. EXHAM.—At the same time it is fair to Mr. Tomlinson to say it is not his fault. He cannot be in half a dozen places at one time.

2644. Mr. FERRELL.—And the market yard must be open at all times. Traders from the county Wicklow are constantly coming there.

2645. Town Clerk.—The original document prepared by Mr. McEvoy, and a copy of which was given to Mr. Tomlinson, required the storekeeper to take charge of all the property of the Town Commissioners in the yard, store and stable, horses, carts, to send a cheque of the goods delivered to the board-room, and to answer any inquiries thereon, to get the workmen's time in reference to going to or returning from work, and to daily walk over the township to see the men at work.

2646. Mr. EXHAM.—How is he to do that? How is he to walk over the township?

2647. Town Clerk.—That has been modified since by a transfer of the duties to the head ganger. That was subsequently omitted when he was made market clerk.

2648. When he was made market clerk how on earth was he to act after everything—the weighing in the market, the delivery of stores and other materials, the seeing after the men, and so forth?

2649. Witness.—The first part of these instructions I adhere to at the present moment.

2650. Mr. EXHAM.—No doubt you take care of the stock when you can; but is there anyone to answer for you in your absence, when anyone or any cart may go into the yard and take stock or materials away?—There is not anyone.

2651. Mr. McEVY.—Looking after the men only refers to entering in a book where the men were working.

2652. Mr. EXHAM.—Have you to give any security to the Town Commissioners?—No.

2653. What is your salary?—When I came here my salary was £1 a week—now it is £1 5s.

2654. Mr. LAWLESS.—It is very poor indeed.

2655. Witness.—I think it right to say no complaint has been made outside the yard against me.

2656. Mr. McEVY.—It was purely voluntarily made, that report of the about the sulphite.

2657. Mr. EXHAM.—Yes, and he made it on the day after.

2658. Mr. LAWLESS.—He acted very properly in doing so.

2659. Witness.—I entered it the moment I heard it after it left the yard.

2660. Mr. EXHAM.—Yes; you gave in a report that Mr. Crosthwaite got 13 cwt., and I see no order of the Commissioners ordering the refund of the balance he got.

2661. Witness.—I believe Mr. Crosthwaite paid back money.

2662. Mr. EXHAM.—Did he pay for the full balance?

2663. Town Clerk.—I gave in evidence that the amount of the difference, as made up by the storekeeper, was paid by Mr. Crosthwaite.

2664. Mr. McEVY.—What he paid was not the full value of what he got.

2665. Mr. LAWLESS.—We will not go into that question at present.

2666. Mr. HENRY, Glasnevin.—I have a complaint to make of a ratepayer. I put property into the market-yard, and I believe the same was not returned to me.

2667. Mr. LAWLESS.—Do you say you lost your property?—Yes, I do.

2668. Mr. EXHAM.—Have you complained of it?

2669. Storekeeper.—When I asked him for the talk, he said, "You must follow me for that."

2670. Mr. HENRY.—That is an unfair statement.

2671. Mr. LAWLESS.—Mr. Tomlinson may go.

Dr. JOHN ROCHE examined.

2662. Mr. LAWLESS.—I think you are one of the Town Commissioners?—Yes. The first thing I want to say is to contradict a statement made here to the effect that I asked Mr. Fallon, the engineer, to inspect certain bricks in order to show that they were not the quality specified in the contract. I did not ask Mr. Fallon to inspect any bricks at any place. The next thing I have to say is in reference to the case stated relative to the bill of costs amounting to £1,250, for opposing bills in Parliament. I objected to some parts case altogether. We had two opinions of eminent counsel, but there was no reference to these opinions in the case stated. We had the opinion of Mr. Fallon, the present Chief Baron, that the Commissioners had no power to oppose the scheme at all. The Commissioners then withdrew, and had to pay £50 costs. At that stage a judgment was obtained against the rates; and I say that the ratepayers were not properly represented in the preparation or arguing of that case.

2663. Was the case stated in consequence of a resolution of the Board of Commissioners?—I will tell you

the actual facts. I was not here when the resolution about the case was adopted.

2664. Was the case stated in pursuance of a resolution of a majority of the Board?—I think so. It was before my time at the Board, but I was here on the day it was adopted. It was not read to us at all.

2665. Mr. McEVY.—You became a Commissioner in 1873.

2666. Witness.—Mr. McEvoy was in favour of it, and he asked me to support it. I said I knew nothing about it.

2667. Was it adopted by a majority of the Board, you dissenting?—Yes. It was on the 2nd March, 1873. We had also Mr. May's opinion in reference to the opposition of the Gas Bill of the Corporation of Dublin, and he told we were in the right.

2668. The Town Clerk handed in a minute of the Board bearing date March 2nd, 1873, which was as follows:—

"At an adjourned monthly meeting of the Commissioners, a minute was taken for the judgment of the Court, was submitted. It

was obviously Mr. McEvoy, and duly recorded—That the amended draft case was submitted to the Board, he, and his lawyer appeared of, and that Mr. Lake, our solicitor, be requested to communicate with Mr. Monroe, in reference to the subject of proceeding. Question put and carried, Dr. Heale dissenting; and that Mr. Lake be informed that the Commissioners prefer it over Mr. Monroe's opinion from circuit."

2659. Mr. LAWLESS.—Is there any further meeting about it in the minutes? I mean is there any further minute of instruction with reference to the case?

2660. Mr. McEVY.—If all is to be sum, we should begin at the beginning.

2661. Mr. EXHAM.—We would like to see the minutes, if there is such, authorising the solicitor to sign the case on behalf of the Commissioners.

2662. Mr. McEVY.—Here, I have the part in my hand about those bridges. It runs thus:—

"On the 10th July, 1874, a letter was read from Mr. Shurkey, Parliamentary agent, relating to the cost of opposing the Dublin Bridge and Docks Gas Bill of 1873, and it was moved and carried, 'That Mr. Lake be instructed as the subject of Mr. Shurkey's letter.' Question put and carried."

2663. Mr. EXHAM.—Show me the resolution of the Board authorising Mr. Lake to sign the case. If there is no resolution of the Town Commissioners, I do not see what authority he had to sign such a case and to bind the ratepayers.

2664. Mr. McEVY.—Mr. Evans might be able to tell us, if he read out that draft case to the Commissioners, the day on which it was submitted.

2665. Mr. Evans.—I am not clear.

2666. Mr. LAWLESS.—You would probably remember it. Surely there was some authority recorded in the books to sanction proceedings in such an important case.

2667. Mr. EXHAM.—If not, it would be allowing the paying away of public money very loosely. Such things, if sanctioned at all, should be carried out in a regular and proper manner.

2668. Mr. McEVY.—I did not know the "Bridges" were included in it. I thought it was only about the Gas Bill costs.

2669. Town Clerk.—I have examined the minutes, and I don't see any further resolution with respect to the setting of this case.

2670. Mr. EXHAM.—Show us any authority given by the Town Commissioners for such a proceeding.

2671. Mr. LAWLESS.—Or show us the order on the special case.

2672. Mr. EXHAM.—Opinions were given on the subject by the present Chief Baron, and also by the present Lord Chief Justice. Were those opinions ever brought before the Commissioners?

2673. Town Clerk.—Oh, yes.

2674. Mr. EXHAM.—The Chief Baron's is as far back as 1872.

2675. Mr. LAWLESS.—Yes; and he thought the Gas Bill did not interfere with the rights of the Commissioners in any way; so they were not justified in opposing it, and the costs should not have been paid out of the rates. Show me Mr. Lake's bill of costs that we may see what are the directions as stated in it for signing this case. (Bill of costs produced.) I see that Mr. Lake says that on the 4th November, 1874, he received the draft special case to be submitted to the court, and that after consulting Messrs. Molloy and Watson, solicitors, he would report the result of the interview. It appears also that on the 5th of November he had an interview with Mr. Shurkey's attorneys, Messrs. Molloy and Watson, and Mr. Watson said he was ready with the plaint in the case. Then there appears to have been a further interview between Messrs. Molloy and Watson and Mr. Lake on the 21st of February, 1875. There is the usual charge made for reading the letter from the secretary, stating that the Commissioners had passed a resolution of the 2nd March, 1875, acting on the suggestion of Mr. Monroe, as contained in Mr. Lake's letter. This appears to dispose of the matter before the Commissioners as far as they were concerned. The next thing that appears is that on the

2d May, 1875, judgment was given on the special case in favour of the plaintiff.

2676. Mr. EXHAM.—I see from this Bill of costs that Mr. Monroe struck out some passages on the draft case and added others. It does not appear that the Board were ever called upon to approve of those alterations or that the draft case was ever submitted to them for further consideration or to obtain their authority to have it brought before the court.

2677. Mr. LAWLESS.—Can the letter mentioned in Mr. Lake's bill of costs as received by him, on the 21st of February, 1875, in reference to this case be found? I see he charged in his bill the usual fee for reading that letter.

2678. Mr. ASKEW.—Mr. Lake would be able to give the required information.

2679. Mr. EXHAM.—Then it would be well to have Mr. Lake here. We want, in the first place, the resolution on the books of the Commissioners authorising Mr. Lake to sign this case as finally settled by counsel.

2680. Witness.—Mr. Monroe's opinion was decisive; and, if we were right in opposing it, why did we go further?

2681. Mr. LAWLESS.—Mr. Lake's charge is the usual charge for reading the letter from the Commissioners in relation to this case. His charge is dated 21st of February, 1875. Probably that letter was written on the 20th. We have the secretary's letter in reply, stating that—

"The Commissioners have passed a resolution, among as the suggestion of Mr. Monroe, as contained in my letter" of such a date, and so on. Can you find any resolution from January, 1875, to the 2nd of March? There must have been such a letter.

2682. Town Clerk.—I have found this minute—

"2nd of December, 1874.

"A special hearing was called for the purpose of considering a letter from Mr. Lake, enclosing copy of his letter to Messrs. Molloy and Watson. It was moved and carried—'That Mr. Lake's communication be not harshly received w^t, as regards our opponents in the Dublin Bridges Bill.'

Then, on 15th December, 1874, at another meeting, there is this further minute:—

"A letter was read from Mr. Lake, enclosing copy of letter from Messrs. Molloy and Watson. Mr. Lake stated he did not think it necessary to inquire exactly for costs from the plaintiff. It was moved by Mr. Gilligan, and seconded by Mr. McClosky—'That exactly for costs as the part of the plaintiff be not required.'

2683. Mr. LAWLESS.—Yes; and now I still think that the letter which was received by Mr. Lake on the 21st of February was written on the 20th of February.

2684. Mr. EXHAM.—Was it Mr. Monroe's suggestion that security for costs should not be required from the plaintiff?

2685. Town Clerk.—Certainly.

2686. Mr. LAWLESS.—Is there any other resolution?

2687. Town Clerk.—Yes; on the 3rd of May, 1875, there is this:—

"In the case of Shurkey v. the Commissioners, Mr. Bassett submitted a draft case for approval, as the mode of paying Mr. Shurkey's costs and other debts, on the part of Shurkey. Bassett—'That the draft case prepared by Mr. Bassett be referred to the subcommittee of the Board, to make what use of it in thinks proper in the preparation of the case in this matter.' Question put and carried, Dr. Heale dissenting."

2688. Mr. LAWLESS.—Was not that the day on which the judgment of the court was given?—Yes.

2689. Mr. EXHAM.—So far as it appears up to the present, there was never any authority given by the Town Commissioners to sign that special case on their behalf.

2690. Mr. LAWLESS.—Unless there is a resolution which we have not seen yet.

2691. Witness.—An order was made by the Board, as well as I recollect, on 12th November, 1875, requesting the solicitor to prepare a case for opinion of counsel as to whether the chairman of the Board, Mr. M'Evoy, was liable for Mr. Bassett's costs. Mr. Bassett was an engineer employed by the direction of the chairman, and he sought to make the

Kingsway,
April 16, 1877.

Dr. John
Evans.

EVIDENCE.

APRIL 16, 1887.

DR. JOHN
ROTHÉ

Commissioners liable for his fees. The case proceeded, and judgment was given to the effect that the Commissioners were liable. We objected to pay because we considered the chairman was not the Board, but a single individual. He directed the secretary, and therefore the chairman should be primarily liable.

2702. MR. LAWLESS.—Was Mr. Hassard's claim paid out of the rates?—Yes; there is also a resolution that Sir John Hawkshaw should be employed as consulting engineer.

2703. MR. EXHAM.—Was that done by a vote?—The chairman directed the secretary to request Sir John Hawkshaw to send in certain plans. There was a similar resolution passed by the Corporation of Dublin preparatory to certain work to be executed by them, for which over thirty plans were sent in, and not one penny was paid for them.

2704. MR. LAWLESS.—Was a case submitted to council as to the liability of the chairman?—No, not of the chairman.

2705. Was there any case submitted to council in consequence of this resolution?—Any case about Mr. Hassard—there was no opinion of counsel taken previously to the case of Hassard against the Board.

2706. MR. EXHAM.—What Dr. Roche says is this—the engineer was employed by the chairman. Show me now any resolution of the Commissioners that Mr. Hassard was to be employed!

2707. Town Clerk.—Under date of July, 1873, the resolution of meeting states—

"That the sewage plan prepared for the town by referred to a consulting engineer to report upon, with such recommendations as may appear to his expedient and necessary."

It was then agreed to on the motion of the chairman.

"That the plan in question is submitted to a consulting engineer for the purpose mentioned in the resolution, and that each engineer is instructed that the Board will arrange to file to consult his opinion and suggestions within the limit of the township."

Before the chairman left the chair he told me that Mr. Doyle, our own engineer, had forwarded his own plans to Sir John Hawkshaw. That transpired on the 4th August, 1873.

2708. (Suggested by Mr. McEvoy).—Were not Mr. Hassard's plans before the Board that day as one of the plans for the drainage of Kingstown?

2709. Town Clerk.—Yes, I think they were spoken of amongst the others.

2710. MR. LAWLESS.—Did he furnish plans?—He did; his plans were not on the wall, but the plan prepared by our own town surveyor showed, in different coloured lines, the various schemes that had been prepared by Mr. Pallas, Mr. Hassard, Sir John Hawkshaw, and his own.

2711. Did you forward the plans to Mr. Hassard?—I did.

2712. Was it for the inspection of these different plans that he sent in his claim afterwards?—Yes; his claim rested chiefly on my directions in the letter, and some alterations made in the plans.

2713. Was what you did done by the direction of the chairman?—Yes, Mr. McEvoy was chairman at that time, and not Mr. Gresham, as has been stated.

2714. Had Mr. Hassard any other claim against the Commissioners at that time?—No, he had not.

2715. MR. EXHAM.—On Mr. Hassard being compelled to send in plans, and then the question was whether he was to be paid out of the rates or out of the Chairman's own pocket. Is this so?—Yes. At a meeting held on the 4th of August, 1873, I find that—

"The Chairman reported he had caused Mr. Hassard to write to Mr. Hassard to forward his plan to the Board. An amendment to read the letter was moved, and lost, the resolution to have the plan sent being carried on a division."

* A further resolution runs thus:—

"That our secretary be directed to write to Mr. Hawkshaw for his report on the sewage plans, as the Board does not recognise the plans submitted to Mr. Hassard."

All these resolutions were produced in the Court of Enquiry on the trial, and the Chief Baron directed the jury that the Chairman and secretary should be looked upon as the executive of the Board, because they did a great part of its business.

2716. MR. LAWLESS.—Was there a verdict for Mr. Hassard?—Yes.

2717. After the verdict we cannot go behind it.

2718. I also wish to give evidence with a view of expressing an opinion that the Local Government Board and the Board of Works should be one and the same body. And on the working of the Food and Drugs Act, which is a good Act, when the inspector requires an article for examination, he may be told that it is not exposed for sale. The law is thereby defeated.

2719. MR. EXHAM.—This is a matter, however useful, which does not come within the scope of our inquiry. We will allow Dr. Roche's opinion to go on the notes, but we cannot do more.

2720. WITNESS.—I consider the Sanitary Act she is not sufficiently applied to poor lodging-houses. The poor people should be made to wash their bed-clothes. I think there is a provision in the Act to suit such a case, but it is in fact ineffectual here.

2721. Town Clerk.—The Commissioners have greatly to complain of the round-about working of the Sanitary Act, which imposes great difficulties in their way in carrying out the Act efficiently.

2722. MR. EXHAM.—We have had the same complaint made over and over again in almost all the towns we have visited.

2723. DR. ROOKE.—With reference to the estimate for the town hall I have the opinion of a professional man that the alterations suggested by the Public Works Commissioners in the framing of the original plan would involve an increased expenditure of several thousand pounds, perhaps £5,000, thereby doubling the original estimate by each-half.

2724. MR. LAWLESS.—Was £5,000 the original estimate?—Yes, the estimate cost.

2725. MR. BURRITT.—But that plan which would involve the greatly increased sum has not been adopted.

2726. MR. EXHAM.—These plans can be altered as other plans have been altered. That appears to be a local practice here.

2727. MR. BURRITT.—The plans have been altered at the instance of the Board of Works, but we have not adopted their alterations. Our plans are the plans of Mr. Robinson.

2728. DR. ROOKE.—What I contend is this—that the Commissioners have been in the habit of adopting plans on bare professional suggestions without getting a written document, whereby professional character might be put to the test, and without requiring a professional man to give a business-like exposition of his particular view. In this case we had a written exposition of the original plan, but not of the suggested alterations.

2729. MR. EXHAM.—Is it your opinion that Mr. Doyle or any other engineer or architect before he altered his mind with reference to a plan, ought to show good reason and authority for it?—It is.

2730. MR. BURRITT.—Advertisement was inserted in the newspaper requesting plans, and several having been sent in Mr. Robinson's was accepted. The estimate to work out that plan is £5,000, and we all believe that it can be built for £2,000. On our submitting these plans to the Board of Works they wanted to alter them, and we found that those alterations would involve a much higher estimate. I say we cannot afford that. Advertisements have been put in the papers for contractors to carry out the plans, and we will then see if they can be done for our original estimate of £5,000.

2731. Town Clerk.—It is well known in these building plans that the general design of the work may be unaltered, while small changes may be made both inside and outside to suit the plans which the contractor will be called upon to work out. When the working

plans are made they may be varied in a degree, but in no sense so considerable as to interfere with the original design of the Commissioners. In fact they will be altered, if necessary, to bring them down to suit the original amount borrowed to erect the building.

2732. Dr. Books.—With reference to the asphalt, I was somewhat more practically interested in that, and we made some inquiries. We were surcharged £180 for ground limestone, at least those Commissioners were who had to do with the transaction. We advertised for tenders for asphalt, and we got one from the Val de Travers Company, offering it for £3 12s., and another offering it at £4 10s. £3 12s. was a low figure, and we did not accept it. A party said to me, "I have the Val de Travers doing some work for me, and they are doing it to my satisfaction. I want to get the supplying of it to the Commissioners, and if you can aid me, and the Commissioners accept my price, I will give you a commission." The price named was £5 12s. a ton. I said that the Commissioners were about to produce asphalt on their own account at a lower figure than £3 12s. Mr. Fottrell then said, "I will then take away my patent, and you will mark the consequences." We inquired from a competent party what would vitiate the patent prior to publication. I had heard about it from Mr. Brady, who had the contract for the laying of the particular piece of work out of which the verbiage arose.

2733. Mr. EXHUM.—Did you enter into the laying contract without advertising?—No.

2734. Did you advertise for the materials?

2735. Mr. Barrett.—There was no use in advertising, because the article could not be got from any other person but Mr. Fottrell.

2736. Mr. LAWLESS.—Yes, but at the same time the Act of Parliament plainly requires that you should have done what was not done. The auditor would not listen to your argument that the state of things dispensed with the expediency of advertising.

2737. Mr. Barrett.—The surcharged parties got an opinion on the subject, and they still think they are right.

2738. Dr. Books.—Another matter I want to inform you about is the insufficient ventilation of the sewers. The ventilators nearly all over the town are not of the correct kind, and they are, in my opinion, almost worthless. In the man-holes this very frequently occurs. The ventilators are insufficient in number and insufficient in design.

2739. Mr. EXHUM.—Do you think that is prejudicial to the houses by not giving a proper escape of sewage gas?—Yes, that is my opinion; and when a large sewer is constructed, if the ventilation is not attended to, the work is necessarily not complete.

2740. Mr. LAWLESS.—Have you ever brought this subject of imperfect ventilation and sewerage before the Board of Commissioners?—In 1875 I brought the matter before the sewerage committee, of which I was chairman at that time, and we had a resolution passed that Mr. Doyle, our engineer, before he would give a certificate to the contractor, should satisfy himself that the work was in that respect properly executed.

2741. That appears to me to be rather an important resolution. Can it be got for us?

2742. Town Clerk.—My impression is it is in the auditor's report, and the report you have fully on your note.

2743. Dr. Books.—I spoke to Mr. Potts several times on the subject and also to others. In fact I took so great an interest in the matter that every lad in town called me the "Ventilator."

2744. Town Clerk.—I don't recollect the resolution referred to by Dr. Books.

2745. Dr. Books.—I saw the resolution, and it will be found on the minute book of the sewer committee. I have also to say, with regard to the Lords of the Treasury, that although they are empowered to grant loans extending over thirty years for sanitary purposes they won't do it for us.

2746. Mr. LAWLESS.—Is there any other matter to which you wish to draw our attention, Dr. Books?—

No, sir; but I would like you to see that resolution of the sewer committee.

2747. Mr. EXHUM.—Have you any memorandum saying what that resolution was?—I read it myself in the books two or three days ago. It says the surveyor is not to give a certificate to the contractor until he is able to satisfy the sewer committee that the work has been properly done.

2748. Mr. LAWLESS.—We will require that resolution to be found. It is an important resolution, and there ought to be no difficulty about getting it for us.

2749. Mr. EXHUM.—Have you, as a medical man, formed any opinion about the sanitary condition of the town?—I do not think the sanitary condition is in such a bad state as is represented. I think, taking any town in England or Ireland, and comparing it with that, Kingstown would be found third in the rate of mortality, and I think it is a very clean town.

2750. What about the lanes and alleys of which we heard so much?—They are in a state of being improved. We have been lately discussing that.

2751. Eleven years has passed since the passing of the Public Health Act, and what has been done? Dr. O'Flaherty said that what Mr. Halsbury said in his book in 1866, was still in a great part true. He said there were numbers of places in the same condition still. No answer, no sewage, no privies, houses overcrowded, in fact, places not fit for human habitation!—Well, I think the worst of it is the overcrowding of the houses. There has hardly been time yet for a complete working of the Public Health Act.

2752. Mr. EXHUM.—Under the Act, which does not require time for carrying out the provisions relating to houses unfit for human habitation, what have you to do except to summon the owners and get an order to have them closed?

2753. Witness.—I do not think the Commissioners can have their officers under such discipline, as to be able to remedy through them every want.

2754. Is it your opinion, then, that the Commissioners cannot by their officers prevent overcrowding?—The people take in friends.

2755. Take in friends in a place unfit for human habitation, which has not any sewer but the street, or privy, or cesspit, and no means of putting them in, and where the human filth is put in a bucket and thrown out at night in the public street. In your opinion, should that state of things be allowed?—I would not say a house was unfit for human habitation because the filth is put into a bucket; it is quite as good as a sewer or water-closet.

2756. Dr. O'Flaherty says there is no accommodation of the kind, and therefore performs the ditch waste go into the public street, and where there is no sewer this is to a large extent done; although that state of things has been partially remedied. Does it continue still in many cases?—I am not aware that it does.

2757. Mr. LAWLESS.—Do you know the poorer parts of the town, I mean do you know the condition of these parts?—Well, Dr. O'Flaherty has opportunities of seeing things which I have not, going about as medical officer. But as chairman of the sewerage committee, I heard many things about the sewerage of the town.

2758. Mr. Potts.—The sanitary medical officer describes the nuisance himself from personal observation on which he makes his report. The sanitary officer in this case, Dr. O'Flaherty, gets only £10 a year for all he does.

2759. Mr. LAWLESS.—Yes, and very miserable remuneration it is.

2760. Town Clerk.—Will you ask Dr. Books for me, while you were chairman of the sanitary or sewer committee, had you any reason to complain of the sanitary officer, and was there not an anxiety on the part of the Commissioners to see everything carried out?—There was no complaint; and to the latter part of your question, I answer, yes.

2761. Mr. Barrett.—No doubt, an immensity of work has been done.

Kingsdown
April 14, 1873.
Dr. John
Books

Rathdown.
April 14, 1917.
Dr. John
Boyle.

2762. **Frank Clark**.—Dr. Boyle resigned, and the Commissioners induced him to come back again.

2763. **Mr. LAWLESS**.—Have you a general acquaintance with the proposed system of sewerage works that are being carried out in the town?—I have.

2764. Will that system, if it be completed, confer advantages on the poor people of the town?—I think it could be made to do so.

2765. **Mr. EXHUM**.—You say that Mr. Pallas mentioned to you that the bricks you spoke about were not of the specified quality. Were there complaints made about the qualities of these bricks?—I think Mr. Henry told me about them. I saw they were white-looking bricks. I know nothing myself about them, but if I wanted to know I would ask some one. Chemically I know as much about them as any engineer. If any brick can be burned well chemically it is a good brick. There is a practice by the engineer of the Commissioners of cutting off the water at night, and several parties are complaining about that. If a fire should occur there would not be a sufficient pressure to extinguish it, and the practice is also objectionable on sanitary grounds.

2766. **Mr. LAWLESS**.—Who has the care of that?

Mr. Doyle (town surveyor).—We do not cut off the water valves we have found a leak.

2767. **Mr. Kelly** (Town Commissioner).—The water

is never shut off but when it is necessary, and when it can be done with safety. We used to shut it off at a certain hour because there was a large waste of water, and on examining into the matter we found this was caused more from large cracks in the pipes than anything else. In these cases where it had been shut off I have known Mr. Doyle to stay up all night himself in case anything might occur.

2768. **Dr. Boyle**.—That answer affects the sanitary rather. The water mains laid in this town have nothing to separate them from the sewers but a brick, so that when the mains run alongside the sewers there should be brickwork to keep them well apart. If not, the whole town may be poisoned, as the sewage matter, if it escapes, may get into the cracks of the water pipes.

2769. Are the mains made too near the sewers?

Mr. Doyle.—Where you cross the sewer you can't help it. I have been engaged in waterworks where we make the pipes on the top of the sewer.

2770. **Dr. Boyle**.—Diseases has been traced to that very thing in Oxford University.

2771. **Mr. Doyle**.—The main is three feet under the surface in this country.

2772. **Mr. LAWLESS**.—Do you think it is good engineering to have the mains in such close proximity to the sewers?—We have them separate as much as possible, and where they run parallel what can you do.

MR. MICHAEL PATRICK DUFF examined.

2773. **Mr. LAWLESS**.—What office do you hold, Duff, under the Commissioners?—Head ganger.

2774. What are your duties?—I superintend everything connected with the scavenging.

2775. **Mr. FERVIS**.—He lays down the pipes.

2776. **Mr. M'DERMOT**.—Yes, connecting the houses with the main sewer.

2777. **Mr. LAWLESS**.—Do you lay down or inspect the making of the connection between the houses and the main sewer?—Where there is a small sewer I have to connect it with the big one.

2778. Are you an engineer?—I am not. I am a practical working man.

2779. How many men have you in the scavenging department?—Sixteen.

2780. It is your duty to see that these men do their duty every day?—It is.

2781. Do you inspect the streets of this town every day?—Yes.

2782. Do you know the small houses in the small courts where the poor people live?—Yes.

2783. Do your men see to the cleaning of these small places or courts?—Yes.

2784. When was that street called Wellington-street cleaned?—Yesterday morning.

2785. It is just as bad as ever this morning. Fifth and refuse scattered about there everywhere. I saw it myself, and so did Mr. Exham.

2786. **Mr. FERVIS**.—It was cleaned yesterday because you were here.

2787. **Witness**.—To-morrow morning the men will go to work there again.

2788. **Mr. EXHAM**.—Leaving this one day's interval.

2789. **Witness**.—Every day we go round, Sunday as well.

2790. **Mr. LAWLESS**.—You appear to me to have a good many different departments to attend to. You have to attend to the scavenging, the drainage, the sanitary part of the drainage, as well as the disposition of the slush and seines?—Yes.

2791. With your men?—Yes.

2792. What are the regular duties of the men under your direction with regard to that?—They go round to those poor places and see them cleaned.

2793. Do they go to those places where there is a privy common to more houses than one?—They do.

2794. **Mr. EXHAM**.—Do they supply them of their own accord, or do they wait for directions?—They wait for directions from the sanitary committee; then I bring a staff of men and have them cleaned out.

2795. Except you get directions for sweeping these lanes, alleys, and courts, do your men touch them as a matter of course?—No.

2796. What are your duties as to making connecting drains from houses to the public sewers, because that would appear to me to be the duty of the town surveyor?—If there is a connecting drain wanted, the town surveyor tells me to bring my men and materials and construct it.

2797. Do you superintend the doing of that kind of work?—I superintend doing it myself.

2798. What becomes of the scavenging all this time?—I have the men told off in the course of the evening or the day for making the connecting sewer, and I leave those men at their work, and then go round to see if the other men are in their proper departments.

2799. Are you not sometimes engaged making connecting sewers all day, and then what time have you to look after the scavenging?—I always go round to see if everything is correct.

2800. Who checks the levels for these connecting drains?—Myself.

2801. Were you brought up to that?—No; I am a practical man.

2802. **Mr. FERVIS**.—I saw him the other day making a sewer in Curran Avenue. I asked him had he any one superintending the works with him. He said no.

2803. Who superintends the joining of these pipes?—Myself.

2804. How do you join them?—Where we have not consent, we have a fine clay. With this clay we make puddle, and with this we stanch the pipes. It is a very good way; and what is more, it never leaks.

2805. Does the town surveyor take any part in this kind of work?—He comes round occasionally to see if we are there.

2806. Does he examine these drains before they are closed up?—Some he does, and some he does not.

2807. Supposing you were going to make a drain close to one of these sewers, who would make the connection?—I would make whatever connection was wanted.

2808. How would you make it?—Get a pipe according as the case might be, to suit, make a hole ready in the pipe or sewer, fit in the connecting pipe, and then put the stanching clay round it.

2809. Do you put them in at right angles to the sewer?—I don't know what that means. I gave them a certain regular fall. I put them within two

or three inches of the bottom. If the drain is very deep we put them down at the side of it.

2812. Did you put any of them right at the top of it?—Very seldom, just according to the level. Mostly always at the side.

2813. Do you do this with the street scavengers?—Yes.

2814. Did you ever see the town surveyor take a level in putting in one of these connecting drains?—No.

2815. Did you ever see him take a level when he was marking out or putting in any sewer or drain?—No.

2816. If he came on the ground where you were working did he give you orders as to the doing of the work?—Sometimes he would.

2817. Mr. LAWRENCE.—Who are the men who work?—Well, every kind. I generally bring the best and the hardest with me to do good work. Some I keep at the scavenging. We accommodate ourselves as best we can to get the work done.

2818. Mr. EXHUM.—Did you make some drains at Royal-terrace?—Yes. I made the pipe jointings there with cement.

2819. Did you do the work there with the scavenging men?—Yes.

2820. Suggested by Mr. Perrin.—Were you the man who got the pipes ready, and laid them at Castle-park, and were they removed afterwards?—Yes; some came up. Some old pipes were taken up that were put down years ago.

2821. How many times did you put pipes down there?—Twice.

2822. Why was it necessary to put them down a second time?—The former ones were not sufficient to take the pressure of the water coming out there. The others were too old.

2823. How long is it since the twelve-inch pipes were put down?—I don't know. I have no record of it.

2824. Mr. Perrin.—I saw them put down. The contractor was four or five years putting down sewers there, and were there not several put down?—Mr. Doyle.—No.

2825. Witness.—There were only two.

2826. Mr. Lawrence.—At all events were you obliged to take up the twelve-inch, and put in a fifteen?—By the connection a twelve and a nine come into a fifteen.

2827. Mr. Exham.—Have you left part of the nine and part of the twelve? If it was too small before is it not too small now?—Some time ago there was an overflow, and a twelve-inch pipe was put down along the road by Michael O'Brien's property. This pipe comes up from the old main and meets the fifteen-inch pipe.

2828. How many feet long was that?—I did not measure that.

2829. Did you put down that nine-inch pipe under the direction of Mr. Doyle?—The nine-inch pipe comes as far as Beefflin-trees, and that was done some years ago. The twelve-inch pipe lies in another place, and runs into a field.

2830. Do you know Sandyvore and Sandyvore harbour?—Yes.

2831. Did you ever lay down any sewer from Sandyvore, West, to Bullock harbour?—No.

2832. Mr. Perrin.—About ten months ago the Commissioners put down by arrangement a fifteen-inch pipe, and—

2833. Witness.—What I speak of is at Castle Park Avenue and Sandyvore-road.

2834. Mr. Lawrence.—Did you make these connecting sewers from Michael O'Brien's house and the main sewer at Castle Park-avenue?—Yes. That work was done some years ago.

2835. When was the last work done there?—A few weeks ago.

2836. What was the dimension of the last pipe you laid down?—A fifteen-inch pipe.

2837. In order to lay that down did you remove any pipes that had been there before?—Yes; the twelve-inch.

2838. Did you put down these pipes?—Yes; some weeks ago.

2839. Mr. Exham.—This work is not laid down in the map of 1874.

2840. Mr. Doyle.—It was done some years ago.

2841. Mr. Lawrence.—Did you for the purpose of laying down the fifteen-inch pipe, take up any pipe besides what you had previously laid down yourself?—Only half a pipe.

2842. Was that half a pipe any portion of what you laid down?—No.

2843. What dimension was the pipe you took up?—Twelve-inch pipe.

2844. Why did you remove it?—To make room for ourselves for the corresponding of the two pipes, the nine-inch and the twelve-inch to drop into the little man-hole together.

2845. Mr. Exham.—Are we to understand that a fifteen-inch is put in the place of the twelve-inch, and that the eighteen-inch pipe is put in place of a three foot by two sewer?—Yes.

2846. Was this work shown in any plan submitted by Mr. Doyle to the Local Government Board Inspector?—(No answer.)

2847. Mr. McEvoy.—Would you see if it was in the estimates.

2848. Mr. Exham.—It is not in the estimates shown to us.

2849. Mr. Lawrence.—While the men were doing this work were they paid in the ordinary way as scavengers?—They were.

2850. Mr. Exham.—Did Mr. Doyle, before you took up that nine-inch pipe, give you any levels for the men to work by?—No.

2851. Did he go to inspect the work?—He was there several times.

2852. Do you know the sewer at New Cross-avenue?—Yes.

2853. Was that lately taken up?—Yes.

2854. Is that any of the new sewers or an old one? It is a new one.

2855. Mr. Doyle.—New or old, it was made four years ago.

2856. Mr. Exham (to Mr. Doyle).—Is this one of the new sewers you made?

2857. Mr. Doyle.—Yes, it was a new sewer made by Mr. Holden.

2858. Was it opened lately?

2859. Witness (Duff).—I opened it the other day and turned the Vartry water into it. I washed it out with the Vartry water, but I could not get much out of it.

2860. Was it stopped?—It was.

2861. Did you wash away the stuff that was in the sewer, having first made it full by the aid of the Vartry water?—I did.

2862. In your opinion was that a proper sewer?—No, sir; not for that neighbourhood.

2863. Why?—It should have been a great deal larger.

2864. What was the size of that sewer?—Nine, twelve, and fifteen inches at different parts of the sewer.

2865. Did you make connecting drains with that sewer?—Yes.

2866. Was it when you were making the regular connecting drains that you found it to be choked?—Yes, when I broke the pipe for making the connecting drains the stuff out of it flew up in my face.

2867. Mr. Doyle.—That sewer was made in 1873.

2868. Witness (Duff).—The sewerage started up in my face.

2869. Mr. Exham.—Do you know the house of any gentleman in that avenue, where the sewerage came up in consequence of the bursting of the drain?—I saw that in the yard. When I walked out the pipe the drainage went away.

2870. Did you report that to Mr. Doyle?—After he saw it. I forgot it at the time.

Witnesses.

Examiner.

Mr. Michael

Patterson Esq.

Roscommon.
April 14, 1873.
Mr. Michael
Patrick Duff.

2866. How long is that ago?—A few months.
 2867. Did Mr. Doyle see it?—Yes, he saw it, and saw the men working at it.
 2868. Do you know a street called Mulgrave-street?
 —I do.
 2869. Have you observed the sewerage there?—Yes.

2870. Are the sewerage works there in a proper state?—No.

2871. Does the sewer there provide for the north and south side of the street?—I don't think it is deep enough for the street.

2872. Is it large enough to provide for the sewerage of Mulgrave-street?—Oh, it is plenty large, but it is not full enough.

2873. Mr. Brady.—The contractor worked out the plan.

2874. Mr. EXHAM.—Mr. Brady says the contractor worked out the plans that were given to him, and if that is so, the contractor was not to blame.

2875. Mr. Doyle.—Did you inform Mr. Doyle of the state of the sewer that you cleaned?—Yes, it was all cleaned up and made perfect.

2876. Mr. EXHAM.—(to Mr. Doyle).—The witness says that this sewer was laid at an improper level. What do you say to that?

Mr. Doyle.—What does he know about it?

2877. Mr. EXHAM.—If that is so, why did you put him to make sewers and connecting drains?

Mr. Doyle.—I did not set him to make connecting drains—I may have set him working.

2878. Mr. EXHAM.—He says he has made both sewers and connecting drains under your direction? Is that so?

Mr. Doyle.—Yes, I directed him. Except at one place, it was not found necessary to break the pipe. He is not competent to give an opinion on sewerage works or drains either.

2879. Mr. Kelly (Town Commissioner).—If this kind of thing was going on, I must certainly say we got no report about it from our head engineer or surveyor.

2880. Mr. LAWLESS.—Duff says he reported it to the engineer. His duty was to report to him and not to the Board.

2881. Mr. EXHAM.—He says he brought the engineer there, showed it to him, and then it was cleaned out with the Vartry water. It is not for us to say why you did not get a report.

2882. Do you know a sewer that runs from a lane at the rear of Upper George's-street?—Yes; that is at the north side, at the back of the premises of Mr. Down.

2883. What sort of a sewer is that?—We had to clean it out a couple of times.

2884. Is it now one deep enough to drain that sewer?—Well, I think it is, but I am not sure.

2885. Mr. Kelly (Town Commissioner).—I think Mr. Doyle should hear these answers. He is in the next room, but I think it is his place to be here.

2886. Mr. EXHAM.—I certainly think so too. But I have not say power to keep him here. He said

just now that this man knows nothing about it, and yet he was sent to do the work by him. He ought, in fairness, to listen to the man's answers as to the work he executed.

2887. Witness (Duff).—The sewer you speak of is one of the last put there. It was stopped two or three times. We did not clean it this good lot. It is a rubble built sewer covered in.

2888. Is that sewer at a sufficient level to prevent its being choked?—It is not a bad sewer.

2889. How does it get choked?—There are a lot of people there who sweep their sweepings into the gully, and when they keep on at this the drain is soon stopped.

2890. Mr. EXHAM.—Is the drain of sufficient capacity to carry these sweepings off, or to take off what is cast into it?—Yes, sir, if it is kept well flushed.

2891. Mr. LAWLESS.—Is it an old sewer that is there?—Yes, sir.

2892. Mr. Doyle.—That is an old pipe that falls into Royal Marine-road.

2893. (Suggested by Mr. Perrin).—To Mr. Doyle.—Do you know the condition of the pipe-sewer leading into Sandycove Harbour? Is there anything wrong in the town? Mr. Doyle.—Put your question again, if you please.

2894. Are the pipes of the sewer at the point Mr. Perrin has mentioned, working so as to carry away the sewerage that is carried to the harbour?—They are not. They were never fit for it at all.

2895. How long is it since they began to do no service?—They were never fit.

2896. Who put them down?—Mr. Perrin.—Mr. Doyle, I think.

2897. Mr. LAWLESS.—Is it at the site of the harbour?—Mr. Perrin.—In consequence of the discharge there it is a perfect nuisance. Had the pipes been away altogether it would have been better.

2898. Do you know anything of a new sewer at Haddington-terms which is stated to us to be a very bad one?—Mr. Doyle.—I did not do it. I did it once.

2899. What size pipe did you put down there?—A 15-inch pipe. The sewer there was first made ten years ago.

2900. Mr. Perrin.—Would Mr. Exham be good enough to show the Commissioners the order of the Board about a sewer required at Castlepark-avenue?—Mr. Exham.—Yes; it is this year, 1877. The order is "That the town surveyor be instructed to perfect the sewer at Castlepark-avenue, and remedy the complaint of Mr. O'Brien, at a cost not exceeding £20."

2901. Was that put in the estimate?—Mr. Doyle did you put that in?—Mr. Doyle.—No, I did not.

2902. Was that work done within the £20 or not?—The tenders are not in yet.

2903. Mr. LAWLESS (addressing the witness Duff).—I must say we both consider you gave your evidence in a manner creditable to your truthfulness and intelligence. We think the Commissioners have a very valuable servant in you.

2904. Mr. Perrin.—He only gets 30s. a week.

Mr. J. B. BAILY examined.

Mr. J. Brady.

2905. Mr. LAWLESS.—On what matter do you wish to give evidence?—I want to contradict a statement made by Mr. Doyle that I was employed by Mr. McEvoy to spy after him.

2906. Mr. EXHAM.—Were you?—No; decidedly not.

2907. Mr. McEvoy.—He was not.

2908. Witness.—I saw that the sewerage works were not being properly carried out in Mulgrave-street, and I, therefore, mentioned the matter to Mr. McEvoy, he reported the thing to Mr. Kelly, the Town Commissioner, and it then became a public question. I made a complaint that the fall of the sewer was incorrect. I have been put down here as a nondescript.

2909. Mr. EXHAM.—Did you point out what you complained of about this sewer to the Commissioners?—I did.

2910. Mr. LAWLESS.—That the sewer was, in fact, up a hill!—Yes. When the report was made there was a special meeting called, when the committee of inspection that was appointed to examine the matter, reported. They, I believe, thought that an engineer should be appointed, and Duff said in this case no he did not think the sewer was made the right way. I will point it to you on this plan. (Produces a small plan of the sewer.)

2911. Mr. EXHAM.—From this it appears to us, and

so it used to everyone else, that the sewer was made wrong.

2912. Mr. M'FEELEY.—The first minute of the Board I find no reference to these sewers is—

* The recommendation of No. 2 Committee to increase the weekly wages of the head ganger. That the increase be agreed to and fixed at £6 per week in consideration of his increased diligence in the discharge of his duties in connection with the George's-street sewer."

So the sewer in George's-street was one of the sewers put down by Duff.

Mr. J. Brady's examination resumed.

2913. Mr. EXHAM.—Did you see that the levels were wrong?—Yes.

2914. Do you still say that they were wrong? Do you mean to tell us that?—Decidedly.

2915. Why did you not tell the Board about it?—I would not be attended to. Mr. Doyle threatened to throw me off the works. The moment I came into Mr. Doyle's office he went out.

2916. What did he say to you?—He told me to mind my own business, and said that it was his business.

2917. Mr. M'HEEY.—In consequence of all this I thought it advisable to call in another engineer to examine the sewers, but the Board of Commissioners would not adopt my view.

2918. Mr. EXHAM (to Mr. Brady).—Was that the time Mr. Doyle said he would throw you off the ground?—Yes, decidedly. He brought the police. I said I was a ratepayer, and that he could not interfere with me. The work was carried through about half way at the time, and Mr. Kelly saw the water had to be dammed up into a river.

2919. Mr. Kelly.—As far as I remember the circumstances, I say that Mr. Doyle was not working to my satisfaction at the time.

2920. Mr. EXHAM.—Mr. Kelly can be called to give evidence on the point if he wishes.

2921. Witness (Mr. Brady).—In reference to the asphalt contract, I want to say a word, with your permission, and also with reference to the removal of asphalt. It has been alleged by word of mouth and through the public press, that I removed asphalt from the Commissioners' premises to Mr. Crosthwaite. That went the rounds of the public press, and it was reported to the town clerk.

2922. Did you do so?—Never, sir, to Mr. Crosthwaite or to any other person. I was merely the man who laid it, and I would just ask the Commissioners to ask Mr. Duff about my part in it.

2923. Mr. EXHAM.—We will. (To Mr. Duff).—Do you know anything, Duff, about this asphalt which was delivered to Mr. Crosthwaite, so far as Mr. Brady was concerned with it?—Mr. Brady laid it. Mr. Doyle desired me to give to Mr. Brady whatever he wanted for Mr. Crosthwaite. Previous to that he wanted some without Mr. Doyle's order. I said I would not give it on the order of the chairman himself. So then he got the verbal order from Mr. Doyle. So I accordingly waited to get the order that way, and when I got it the asphalt was removed, but Brady only got it by Mr. Doyle's order.

2924. Mr. LAWLESS.—In common justice to Brady, this should be taken down.

2925. Mr. Brady.—I just wanted you to hear this.

2926. Mr. EXHAM.—If we had known that you wanted to make this explanation you should not have been kept waiting for an opportunity to make it so long.

2927. Mr. Kelly.—I would ask the Commissioners if they have got the reports of the investigation that took place?—Town Clerk.—They are to be had.

2928. Mr. EXHAM (to Mr. Doyle).—Mr. Brady says that when Mr. Crosthwaite wanted this asphalt laid down he applied to Duff accordingly, saying that he wanted it for Mr. Crosthwaite, who was then chair-

man of the Board. Duff states he refused to give him the staff without an order from you, Mr. Doyle, and that you afterwards told him that Brady was to get whatever he wanted for the chairman. The asphalt was, under these circumstances, given out and delivered as we have heard. Mr. Doyle.—I gave no such order.

2929. Mr. Duff.—I beg your pardon, sir, you did, and more than that, you said that anything Mr. Crosthwaite wanted was to be given to him.

Mr. Doyle.—Nothing of the kind.

2930. Mr. Duff.—I beg your pardon, you did. I can certify, if it goes to that, the answers and questions that passed between us.

2931. Mr. LAWLESS.—It is not our duty to express any conclusion on the matter, although we have formed a very strong opinion about it.

2932. Mr. EXHAM.—What Duff says is, that you told him Brady was to get everything he wanted for the chairman.

Town Clerk.—I suggested to Mr. Crosthwaite to come down to the committee and point out what had occurred. Brady had previously applied to me for an order empowering him to get the asphalt, but I refused to give it, and referred him to Mr. Doyle.

2933. Mr. Kelly.—As chairman of the committee appointed on that occasion, I beg to say we knew nothing of the whole transaction until our storekeeper reported it, and then we immediately investigated it.

2934. Mr. EXHAM.—Yes, you lost no time in investigating the matter. You received the storekeeper's report on the very day after it was taken.

2935. Mr. Brady.—We had the work nearly completed before the 7th of November—a very short time after we got the staff to go on with. I wish to say something now as to my contract with the Commissioners in reference to the laying of asphalt.

2936. Can you say how much asphalt was taken out of the yard before the 7th of November?—I cannot tell you that, but I can tell how much went up to Mr. Crosthwaite.

2937. How much can you say—we have it from the storekeeper as 13 cwt. and some pounds—I don't know that I saw all that went out. Of course if I get a little time I can give it to you.

2938. Was it more or less than 13 cwt.?—I can only calculate by the number of yards laid.

2939. How many yards were there laid?—About fifty.

2940. What quantity would be required for fifty yards?—I think it is those who have weighed it should account for that.

2941. Mr. LAWLESS.—What quantity would you require of the same character of asphalt to lay fifty yards?—That is a question I don't like to answer. I think the town surveyor should.

2942. Mr. EXHAM.—I think, for your own sake, you ought to answer the question. Make the calculation now!—I would want to go to where the asphalt is laid.

2943. Mr. LAWLESS.—Is it that you require a little time to make your calculation?—Well, not so much that. There has been a value put on the material and the amount paid, so I don't think I should be called upon for that account.

2944. Mr. EXHAM.—Don't mind the value. What quantity did you get out of the yard?—I know exactly the number of barrels laid. I laid four barrels and a half, and I calculate them at 15s. 3d. each. I will give the bags to Mr. Brady, and let him calculate it.

2945. Mr. Brady.—Sit down and calculate it yourself.

2946. Mr. EXHAM.—How much in quantity?—I can give you the money value.

2947. Give me the weight. How many cwt. weight? There was so much ground limestone—how many cwt. weight of that?—About 25 or 28 cwt. in all. The reason I had to use the good Val de Travers rock was because the limestone was not in it.

STRENTON,
APRIL, 1881.
Mr. J. Brady.

KINSEYERSON,
April 14, 1912.
Mr. J. Brady.

2948. Was that more valuable than the limestone?—Oh, yes.

2949. Can you give us the weight?—I said there was about 35 or 40 cwt. in all the material. The rock asphalt was on the ground when I went there, and I directed the men how to use it. Duff was there too.

2950. Mr. Duff.—No, I was not on the ground.

2951. Witness.—Not when it was laid, because you went out of the way.

2952. Mr. EXHAM.—You got ground limestone and bitumen. Did you get anything else?—I refined the bitumen. I got shale oil, but that is not mentioned at all.

2953. You spoke about rock asphalt. Did you get that?—It was on the ground. That is the genuine asphalt in bags. When I went to the ground first there was no ground limestone, afterwards there was bitumen, and then we had ground limestone. The rock asphalt which was used was the real asphalt, from the Val de Travers Rock.

2954. Mr. O'ROURKE returned 10 cwt., and by the books he apparently got 18 cwt. This witness says he got 25 or 26 cwt. of material altogether. Do you recollect how much he got?

Mr. Duff.—I do not; but nothing went to Mr. O'ROURKE unless what went by our horses.

2955. Witness (Mr. Brady).—I want to say a word in relation to a contract which I had with the Commissioners for the laying of asphaltic. In October, 1875, in answer to an advertisement in the newspapers, inviting tenders for the laying of asphaltic, I sent in a tender. I was laying the floor of the Kingstown rink at the time. My tender was accepted, as was also a tender from the Val de Travers Company, and I believe it was on the strength of this that the money for the asphaltic of the town was borrowed. This is the fact, and Mr. ENNIS understood so, although it was said here the other day that I had no contract at all. After a little hit there was a change in the contract, and two pence additional was allowed to me for manufacturing, and I was proceeding to lay 1,500 yards in that way. There was then an order that I should not be allowed to manufacture any more on the road, but that the manufacturing should be conducted in the yard belonging to the Commissioners. The consequence of that was, they reduced my return from £35 and £25 a week to £8 a week. I continued that way for some weeks, when I believe there was an attempt made to deprive me altogether of the contract.

2956. Mr. LAWLESS.—That in fact after your contract to do the work in a certain way had been accepted and acted on, you were required to do them in a different way: that there was a deviation from the contract?—Yes, sir; and more than that, I would not have known what took place, except that I heard something of these minutes.

2957. Why did you not seek redress against the Commissioners in the way any other person would if placed in the position by them you describe?—I will do that. I will show who has a hand in this, and who is interfering to a large extent here, and I will show very good grounds for my belief. The minutes will show what I say is true.

2958. I don't know to what minutes you refer?

2959. Your Clerk.—I will read the minute referred to, if you wish. We accepted his tender to lay the asphaltic at £1. 3d. per yard, and that was carried out. The reason that arrangement was varied was, it was brought before the road committee, the subject of having a proper check of the materials that went out of the yard. Mr. Brady himself was present when the committee considered the matter. In consequence of this variation there was £1. added to the £1. 3d., for manufacturing, and he was stopped from manufacturing on the roads, because we had to pay for boilers there as well. We said, "Use your boilers outside for the reheating and laying, and manufacture the asphaltic on our premises with our own boilers." Is not

that the case?—I beg your pardon, I had gone on for weeks before, and had accepted your arrangement before that change was made. There is something on the books of the Commissioners which, according to my showing at least, alleges that there was a deficiency of some bitumen.

2960. Mr. LAWLESS.—Where was the deficiency?

Your Clerk.—That was investigated, and as a matter of calculation the committee found that on every thirty-seven yards a deficiency of two tons of bitumen would result. According to Brady's own return there would be only one ton. That is the simple matter of fact.

2961. Witness.—There was an open accusation that I stole the bitumen, and laid it out on another place.

2962. Your Clerk.—It was not said here.

2963. Witness.—I think you will find on the books book quite a different story, to the effect that on checking the bitumen returns they found out a different result to what I furnished altogether.

2964. Your Clerk.—There was nothing on the minutes affecting your character whatever.

2965. Mr. EXHAM.—What I understand from all this is, that according to their calculation there was a difference of some two tons of bitumen in a given space, while according to you there was only one ton used in the work, the Commissioners saying that there was two tons furnished for a particular space, while but one ton was used. But has it been shown by anyone that you got two tons where only one ton was required?—Your Clerk.—Such a thing was not maintained, There is no such thing as that on the minutes.

2966. Witness.—I am quite satisfied.

2967. Mr. EXHAM.—If the two tons left the yard, and was not used by Mr. Brady, what has become of it?—(No answer.)

2968. Mr. LAWLESS.—I find a resolution of the 16th June, 1875, as follows, in the minute-book:—

"Moved by Mr. Brady, seconded by Mr. Lagan, and carried:—That Mr. Doyle, the township engineer, upon all the roads, streets, and by-ways necessary, which are in the possession of the Commissioners, and according to the Kingstown Act of 1874, be required to furnish all plans, specifications, sections, and gauges respecting the arrangement of the kerbings, the depth of the cuttings, the stacks of same on the sections at equal distances of 100 feet. This to apply to the new district of the township as well as the old."

2969. (To Mr. Doyle).—Was there anything done by you in pursuance of this resolution?—I got up contract plans.

2970. Before that did you furnish any plans, specifications, or quantities?—I did, from time to time.

2971. Did you make any plans showing the depths of the cuttings?—Yes, in every plan I made I showed the cuttings.

2972. Have you made these plans, as required by this resolution, for the entire of the township, including the new district as well as the old?—Yes, so far as the new district was included at the time.

2973. Were the Commissioners in the possession of any sections or plans of the kind before this?—They were. We had a great deal of debate about the matter. I got up what plans they required me, which were principally contract plans.

2974. Do you mean that plans were made before this which showed the depths of the cuttings for the new district as well as the old?—No, not at that time.

2975. Were what you did make the plans on which the Provisional Order of 1874 was obtained?—Certainly.

2976. Mr. EXHAM (to Mr. Duff).—Did you see the bricks that were used in making these corners?—Well, I did, sir.

2977. Do you know the difference between one description of brick and another?—I would know a good one.

2978. What you call a best county Dublin grey stock brick, is that a good brick?—It is; it is better than the Bog-hall brick.

2979. Were there many of the Bog-hall bricks used?—No, not many; only a few in the manholes.

2980. Many in the sewers?—No, sir. To my knowledge there was not one of them in the sewers.

Kingsdown

April 14, 1877.

Mr. Parris.

2981. Did you see the consent that was made—I saw a consent on Mr. Sexton's ground, and I saw it used.

2982. Do you know what consent it was?—No, I do not.

2983. Mr. M'EEG.—I feel called upon to answer some of the evidence of Mr. Roche in reference to myself and the Commissioners.

2984. Mr. LAWRENCE.—What is it you wish to say?

—Mr. M'EEG.—It is with regard to these bills of costs and special cases which were sanctioned. This special case was commenced when I was not a Commissioner. Had it been brought before the Board when I was sitting I would not have approved of the "bridge" costs being included in the special case at all. That is all I wish to say now.

2985. (Suggested by Mr. Parris)—to Mr. Doyle).—Do you admit on behalf of the Board of Town Commissioners the nuisance of the sewers at Sandycove harbour?—Where there is a nuisance it is admitted.

2986. Is there a very large sewer discharging itself near that again at Huddington-terrace which conveys all the refuse coming down Gloucester-road?—Is that sewer insufficient for its purpose?—Whatever is there was put down some years ago.

2987. Mr. Parris.—I saw him put a fourteen-inch pipe in there, and even at low-water mark passes some there from several towers, the extent of which in all cannot be less than four feet. The consequence is that in Huddington-terrace last summer the people had to keep their windows shut, but still foul air and gas cannot be prevented from coming up into the houses, and thus a great nuisance is created. If the sewer there were of sufficient capacity such a state of things could not of course occur. I wish to call your attention now to another matter which occurred in the year 1874. In April, 1874, the Commissioners of Kingstown promised a Provisional Order to obtain powers to construct jetties of a peculiar kind, the money to be paid as per agreement. The loans so proposed to be raised had a certain bearing on the sewerage works. As to sewers No. 1 and No. 2 outfalls I have no observation to make. What I want to say is with reference to No. 3 outfall—to a proposed scheme which it was never intended to carry out.

2988. Mr. EXHAM.—That was in 1874?

Mr. Parris.—It is a matter before them now. I wish to speak as to the validity of the thing, and as to its been filed.

2989. Mr. LAWRENCE.—Was it any part of the work to be done under the £10,000 scheme?—Yes, and that plan describes the outfall to be at Bullock.

2990. Mr. EXHAM.—Yes; the plans shown to the Local Government Board inspector provided for that, but the map which Mr. Doyle says lay on the table does not provide for it. So that the plan lodged does not correspond with the map on the table.

2991. Mr. Parris.—Yes. The Provisional Order sought for in 1874, provided for the compulsory purchase of some land by the Commissioners, and after everything had been done it was dropped. Bills, too, were presented by the Commissioners, and rejected by petitions presented on the part of the people of Dalkey and Kingstown. I am a ratepayer to the extent of £150 a year. When proceedings had been taken and plans furnished to the Commissioners in reference to the sewage, I heard of the intended outfall at Sandycove. Immediately I came and spoke to Mr. Doyle, the town surveyor, on the subject. I had opposed the outfall in that place, and when I saw the plans I asked him was it possible they intended to bring this outfall sewer up to Sandycove. The surveyor told me most plainly not, that it was intended to go to Bullock Harbour. I asked him what authority he had for saying that, when he said the Town Commissioners were going to present a Provisional Order for the purpose.

2992. Mr. LAWRENCE.—Who told you that?—Mr. Doyle, the town surveyor. He told me it was all arranged that the outfall should be at Bullock. I asked him for his authority, and he told me it was

settled by Alderman O'Reilly for the outfall to be at Bullock. "Well," said I, "if the Provisional Order passes, you will have no power to divert that scheme in the way you describe." The ratepayers of the district presented a petition against that, and previous to their doing so, I had two notes, one from Mr. Reilly, Town Commissioner, and another from Mr. Lake, solicitor to the Board, about promoting the scheme for the outfall at St. Kilda. They wrote to me expressing a wish to retain my professional services, and in no point in a way as I could, I declined to act. Having taken so active a part in opposing their scheme, it would be most inconsistent for me then to act in support of it. I wrote a note to Mr. Lake, at his own request, which he submitted to his Board. I acted for free, I refused to act professionally for them, and told them my sympathies were against the scheme, and now I have a proper place stand in my attendance here. One of the interested parties, a friend of my own, spent £50 in opposing it. Mr. Farrell, Mr. North, and others, were very active in endeavouring to oppose this scheme, and I have it from two or three persons most materially interested that it was represented to them, as it was represented to me, that the scheme was not to be carried out for the Bullock outfall, and had they known the true facts of the case they would have joined us in opposing it. The matter came on for discussion before Mr. O'Brien, the Local Government Board Inspector, when it was most vigorously supported by the evidence of Mr. Doyle. We had to employ engineers, cartimetry, county surveyors, and many others to oppose the absurd proposition to bring it to Sandycove, and all this was paid for out of the rates which were thus dealt with.

2993. Mr. EXHAM.—Did the Provisional Order show that the outfall was to be at Sandycove?—No, at St. Kilda; and after all the inconveniences that had been incurred in reference to the Provisional Order, it was not followed up, but was virtually abandoned.

2994. What was the cost of the order?—I don't know.

2995. Mr. LAWRENCE.—When had you the interview with reference to this Provisional Order, according to the provisions of which the outfall was to be at Bullock harbour?—Some short time previously.

2996. What was the date of the inquiry?—The 8th of January, 1876.

To a Clerk.—Here is the resolution of the Commissioners in reference to retaining Mr. Parris.

* That Mr. Lake, our solicitor be hereby instructed to advise Mr. George Parris, as counsel for the Commissioners for the inquiry to be held on the 10th inst.

2997. Mr. Parris.—They had already had junior counsel, and I think that was quite enough for the township.

2998. Mr. M'EEG.—How many guineas a day did they offer Mr. Parris?

To a Clerk.—Ten guineas.

2999. Mr. EXHAM.—Was the opposition confined to scheme No. 3?—Yes; we never applied ourselves to No. 1 or No. 2 at all, it was No. 3 that we wanted to stop.

3000. Mr. M'EEG.—I went to London at my own expense to throw it out. I also got up a remonstrance against the original scheme.

3001. You say, Mr. Parris, it was never intended to carry out what was originally proposed?—Precisely. If you look at the plan, I will explain my meaning, pipe by pipe.

3002. Mr. EXHAM.—Mr. Doyle, will you show us the plan which you laid before Mr. O'Brien, the Local Government Board Inspector, with reference to this plan of work. It is very important. (Plan produced.)

3003. Mr. LAWRENCE.—Was this plan laid before Mr. O'Brien?—Yes.

3004. Mr. Parris.—To show where it was contemplated to have the outfall sewer, I refer to the

Knowsley,
April 14, 1872.
Mr. Perrin.

correspondence which took place between the Kingsdown and Balloch Commissioners on the subject. I am reported in the public press to have made "misrepresentations" about this matter, and I would therefore like the correspondence to be produced. I would be incapable of making an unfounded assertion. People have been writing to me saying, "What about your signatures?"

3006. Mr. EXHAM.—We don't know what you are referring to. What is it?—I was reported in the newspaper to have said that the Balloch and Kingsdown Commissioners were "intriguing" about the outfall sewage of Kingsdown. And this because I complained deliberately of the outlay of the public money. I ask for the correspondence between the two parties. They had correspondence after they held their meetings. We had a meeting on the eve of our opposition to the scheme, and Alderman O'Reilly said the inhabitants of Balloch were only shareholders.

3006. Mr. LAWLESS.—These rival schemes of dredgings between Balloch and Kingsdown, as to the outfall, appear to me to be a very serious matter. It might be most objectionable—the outfall in either case, but we cannot go into it. We have allowed you to state what you have done about it, in consequence of your complaining that the ratepayers' money has been improperly expended.

3007. Town Clerk.—As to the expenditure incurred in promoting No. 3 scheme, it was not intended to carry it as Mr. Perrin has stated. We had three separate schemes. The original scheme had the outfall at Balloch, and that was more especially for the Gashdale district, within 600 feet of the mouth of Balloch Harbour. The Commissioners decided to apply for that outfall before Mr. O'Brien when he came here to hold his inquiry. He reported to his Board against No. 3 scheme; and the Commissioners were then stopped, so far as that part of the scheme was concerned, by the action of the Local Government Board. I suggested to them that we should open negotiations with the Balloch people; but the Balloch people did not want to have anything to say to us. In fact they have refused to negotiate.

3008. Mr. Perrin.—There should not have been an expenditure of the ratepayers' money, unless it was intended to go on with the scheme. It was understood to all this that Mr. Doyle informed me that the outfall was never intended to be brought to the point originally indicated.

3009. Mr. EXHAM.—Mr. Perrin asserts Mr. Doyle told him a particular thing, and Mr. Doyle contradicts this. If Mr. Perrin is right and Mr. Doyle is wrong, it is a very serious matter.

3010. Mr. Perrin.—In my opinion, what has been done has inflicted a very great hardship on the ratepayers if they have to pay all the heavy costs incurred.

3011. In the year 1874, your point is, it was intended to take this sewage round by Balloch?—Precisely.

3012. Mr. LAWLESS.—What evidence do you wish to give now?—At the last annual election for Kingsdown there were two new members to be elected for East Ward and two for West Ward.

3013. Do you mean the election of 1877?—Yes, of the present Board. The two candidates who were going out were Mr. Crosthwaite and Mr. Deanevan, and I agreed, at the request of some ratepayers, to become a candidate. I never saw the papers myself, but as a fact, my nomination paper was duly forwarded and all the legal forms required by the Act of 1872 complied with. By that Act, it is provided that the candidate must be nominated by two ratepayers (eight others assenting), and each candidate is to be nominated by a separate nomination paper. My papers were sent in, and I got a note from the secretary informing me of the fact that I had been nominated, and also that I was a candidate. This is the note (reads):—

"22nd December, 1877.

"I have received a nomination paper this evening by which you are a candidate for the East Ward. I may add, that you have four to withdraw up to 2 o'clock, p.m., to-morrow."

Up to a certain hour the nomination papers were to be received, and at a certain time the presiding officer was to hear objections, which should be in writing, and to declare the new Commissioners in the event of there being no contest. Mr. Crosthwaite and another were also nominated. I am informed that on this occasion Mr. Crosthwaite presided, and that he produced some paper and said that my nomination paper was wrong. The persons present on that occasion were, Mr. Reilly, the secretary, Mr. Crosthwaite, and Mr. Herren. The statement was read out by Mr. Crosthwaite, and then he declared himself and the other person duly elected, and that my nomination was void. The Act of Parliament requires that the objection shall be in writing. Upon being informed of this result, I thought it would be only fair to the ratepayers to whom I had issued an address that they should be informed why they had not an opportunity of voting for me. On the day after I was declared by Mr. Crosthwaite to be disqualified, I went to the secretary to get from him the reasons or objections. Mr. Evans then informed me that he could not show it (that was between 11 and 4 o'clock, p.m., office hours), and I asked him why, saying that perhaps I might have to take some steps in the matter. He replied that the reason was, because Mr. Crosthwaite had it under lock and key; "but," said Mr. Evans, "I'll send to Mr. Crosthwaite and let him know of your application and inform you of the result." I said I would wait and hear it, and while we were speaking Mr. Crosthwaite came in, and on being informed of my application he in a most indignant manner refused to show or let me hear the objection to my nomination. I thought then to put the matter beyond dispute, and in the first place made the application to the secretary in writing and got the following reply:—

"Dear Sir,—With reference to your application of this date to be allowed to inspect the objection made to your nomination paper as a candidate for East Ward, you were present when the members of the Board, who are in possession of the box, refused to allow the use of the key for that purpose. I shall, however, carry to Mr. Crosthwaite your further application in writing, and acquaint you with his answer in writing."

"22nd December, 1877."

From that day up to the present I have never had an answer in any shape or form. It is a new state of things, when my application to see the documents—a document held by the very gentleman who declared himself duly elected, and which I thought I had a reasonable right to inspect—was refused. However, I got a verbal explanation.

3014. Mr. LAWLESS (to the Town Clerk).—Do you produce the objection to Mr. Perrin's nomination paper?—I'll take care to produce it. I am sure the present chairman, Mr. Barrett, will have no objection to my doing so.

3015. Mr. Perrin.—The explanation, in point of fact, is this: that one of the eight assentors to my nomination also assented to Mr. Crosthwaite, and to the other candidate's nomination, and therefore, these being one assenter (who was the same person) to the three candidates, of whom I unfortunately was one, Mr. Crosthwaite and the other person were by him declared to be duly elected, and I was disqualified.

3016. Do you mean to say that it was because there was one assenter to your nomination who was also an assenter to his and the other person's nomination?—Yes.

3017. Mr. LAWLESS (to the Town Clerk).—Was that the nature of the grounds upon which Mr. Crosthwaite made his decision?—There was one assenter to the three candidates, there being only two vacancies.

According to the requirements of the Act of Parliament, the chairman had to make his objection as a candidate in writing, and also his decision as judge. He declared that one of the nomination papers (Mr. Perrin's), was bad, and there being no objection to the other two, he declared they were duly elected.

3018. Did Mr. Crookshank make the objection, and then decide in favour of it?—Yes.

3019. The sum and substance of the matter is, that there being no objection before Mr. Crookshank by anyone else, and there being three candidates whose nomination papers could have been equally objected to on the same grounds, Mr. Crookshank objects to one of the papers, and decides in favour of his objection. Did he make an objection to the others?—No.

3020. (To Mr. Perrin).—Were you aware of who the person was that objected to your nomination paper?—I was not; and let me tell you further, that I asked Mr. Heron, who had been present, was there any written objection handed in, and was there any evidence as to the priority of the signing of the three by the same person, and he said there was not.

3021. Mr. Reilly.—Mr. Perrin was the last candidate.

3022. Mr. EDWARD.—How do you know but the man signed Mr. Perrin's paper before the other two, in which case Mr. Perrin would be the first?

3023. Mr. Perrin.—The Act of Parliament provides a certain time within which the nomination papers must be sent in, and I am not sure that a nomination paper served one minute before four o'clock, p.m., is worse than one lodged at four o'clock. I was also thrown off my guard by the letter from Mr. Basire, which I read to you, saying that I was a candidate. There was at this time also a vacancy for the West ward, and the same Mr. Denman was also a candidate for it. Mr. Crookshank presided at the Board, and they filled up the vacancy in the other ward.

3024. Was that a vacancy occurring by death?—Yes.

3025. Was Mr. Basire elected?—Town Clerk.—He died before he was elected, and the other two candidates for the West ward became elected.

3026. The question is whether a vacancy occurring in this way is to be filled up by the members of the

Board without the ratepayers having anything to say in the matter.

3027. (To Mr. Perrin).—Do you mean to say that the office vacant by the death of Mr. Basire was filled up by the members of the Board without going to the ratepayers?—Yes.

3028. Town Clerk.—A candidate having died before he was declared elected the presiding officer declared the other two candidates to be elected. When a candidate is elected for more than one ward it votes with them to select another person, according to their next meeting the Commissioners elected Mr. Denman for the West ward, thus creating the vacancy in the East ward. That according to the opinion of Mr. Mairan, q.c., created the vacancy. The objection and the decision are set forth in a case to Mr. Walker, q.c.

3029. Mr. Perrin.—I do not take that opinion. The Act that would enable me to appeal with validity against the decision is not in force in this town, which I think is a very bad thing for the town. I refer to the Local Government Board Act which is not adopted as to the section relating to matters of this sort.

3030. Mr. EDWARD.—If there was no objection by Mr. Crookshank or the other gentlemen you must have gone to the poll?—Yes. I also complain that the 43rd sec., 17 and 18 Vic., chap. 103, with respect to the building of houses is not yet in force here.

3031. Are plans submitted to the surveyor, as far as you know?—No.

3032. Town Clerk.—Plans of all new buildings are lodged with us.

3033. Mr. EDWARD.—I think it was mentioned that Mr. O'Brien's houses were built without the consent of the Commissioners?—That was only one case.

3034. Mr. Perrin.—In one part of the town there is a wooden affair constructed—a window and shutters and everything of that sort—which is a most dangerous obstruction to the public.

3035. Town Clerk.—We went into the police court with reference to that, and the magistrates refused to decide in our favour.

3036. Mr. LAWLESS.—On what ground?—That it was high overhead, and we could not prove it to be an obstruction; we did our best.

Mr. JOHN REILLY, Town Commissioner, examined.

Mr. John
Reilly.

3037. Mr. LAWLESS.—What is it you wish to say, Mr. Reilly?—Mr. Pallas told yesterday that he never was paid by the ratepayers for the work he did in relation to his plan. It is true he was not paid, but it is also true that he was to be paid a percentage when the work was done, and he afterwards accepted £160 salary from the Commissioners. They first agreed to pay him a certain sum, and when that was not to his satisfaction they paid him a salary. I also wish to

Mr. MYLES KELLY, Town Commissioner, examined.

Mr. Miles
Kelly.

3040. Mr. LAWLESS.—Do you wish to make any statement?—I wish to say that I attend the meetings of the Board very regularly. I hold that every officer of the Commissioners is bound to carry out his instructions to the letter, and I can say that I was not, personally to this inquiry, aware that these alterations in the sewage plan had been made by Mr. Doyle, on Seaford-road and Crossways. I was astonished at several things I have heard for the first time here, and of which I would never have known had this present inquiry not been held. With regard to the sewer in Upper George's street, I was aware that the proposed work could not be done for the sum mentioned, and I asked Mr. Doyle could he make an alteration in the plan of the sewer of 300 feet long, and he said he could. The work, however, is not completed yet; there is nothing done, and I believe now we cannot depart, as he proposes, from the plan laid by him before the Local Government Board inspector. With regard to Glenary-road, I may say that we applied to the Local Government Board, and we

thought we had power to make the alterations, but I believe now we cannot make the change which Mr. Doyle proposes. I have made up my mind as a Commissioner that, independent of either Mr. Doyle or Mr. Pallas, there should be an engineer sent to see that the work is properly done, and that if this is not done I'll cease to be a Commissioner.

3041. It is very satisfactory to us to hear you, as one of the principal Commissioners, say that.

3042. Mr. Reilly, q.c.—Mr. Kelly has only spoken the feelings of all the members of the Board.

3043. Mr. SARFEN (Chairman Town Commissioners) will be fully agreed with what had been said by Mr. Kelly. He further asked leave to call the attention of the Commissioners to the great number of Acts of Parliament in operation in the township. He considered they were so numerous and so complicated that it was difficult to steer through them, for every Town Commissioner could not be expected to be a lawyer. With reference to the auditor's power of surcharging, he said there were general complaints of the injustice

Examined,
April 24, 1871.
Mr. Hyde
Kelly.

of the section of the Act which provides that if the surcharge be confirmed on an appeal to the Court of Queen's Bench by a person who felt himself aggrieved, the auditor gets his costs from the party surcharged; but if the surcharge be illegal, the auditor gets his costs out of the public rate, and the appellant is not allowed any costs. He believed a greater grievance than that could not exist. There was lately a case in the county Wicklow where it occurred.

3044. Mr. LAWLESS remonstrated that it would be very hard to make the auditor, who acted in a public capacity, personally liable for costs.

3045. Suggested by Mr. DAWSON (to Mr. Barrett).—Was there an application made to the Court of Chancery in the matter of which you were speaking? I mean the repayment of the £160 13s. 4d. by Mr. Murray? —There was.

3046. By whom was it made?—By the Commissioners—by Mr. Easle.

3047. Were the costs of it paid out of the rates?

Then Clerk.—I should say our solicitor's costs were paid out of the rates.

3048. Mr. EASLE.—Why should they be? Why should the ratepayers' fund pay for an application to the Court, which was virtually for the benefit of the then Commissioners named in the decree?—Whatever was done was in connection with the recovery of that £160 13s. 4d.

3049. Do you mean from Mr. Murray?—From whoever was liable. We proceeded before the Local Cham-

ber to recover it; and on one of the days I was under examination I gave this evidence.

3050. Mr. LAWLESS.—Do you mean to say that the Commissioners as a body, and you as their clerk?—My recollection is that the proceedings were taken to recover that sum of money.

3051. From whom?—From the parties liable; from Mr. Murray in the first place.

3052. Was the application made to proceed against Mr. Murray, or against the Commissioners?—The parties named in the decree were made liable. There are very few of them at the Board now.

3053. Mr. DAWSON.—It was an application against Mr. Murray by the Commissioners to make him pay, and those costs have been charged out of the rates, but the Commissioners never made the former Commissioners who were named in the decree pay, although they were liable to repay the money if Mr. Murray did not.

3054. Town Clerk.—With reference to the payment of the £1,700 balance of the £3,000 loan, I wish to state that under the terms of the Kingstown Extension Act of 1874, the Commissioners passed a resolution setting forth the various purposes for which they would borrow £1,700, being the balance of £3,000 for which they had authority to borrow under the above mentioned Act. Amongst other purposes it was to be applied in paying Shattock's costs, Molley's costs, and our own auditor's costs; and in that way we hold that we have complied with the terms of the Act.

May 8, 1871.

MAY 8, 1871.
(Before Commissioners LAWLESS, Q.C., and EASLE, Q.C.)

Mr. JOHN LALON examined.

Mr. John
Lalor.

3055. Mr. LAWLESS.—Are you auditor to the Kingstown Town Commissioners?—I am.

3056. What were the costs of obtaining the Provisional Order of the 27th June, 1874, and the Confirmation Act of 22nd April, 1875?—I could not tell you just now, but I shall furnish you with the amount.

3057. Have they been furnished to the Commissioners, and paid out of the rates?—They have.

3058. Does that include what was paid to the Local Government Board?—They have not been paid.

3059. What we want to get is the entire cost to which the township was put in obtaining the Act of the 22nd April, 1875, confirming the Provisional Order of 27th June, 1874, and the expenses connected with the Provisional Order?—There were costs besides my costs; these were the Parliamentary agent's costs.

3060. Have you got the petition sent to the Local Government Board relative to the second Provisional Order?—I have.

3061. I want the original one—the one that was first presented?—We never presented a second petition. We only presented one petition.

3062. We want the petition lodged with the Local Government Board on the 26th of May, 1875?—(Petition produced.)

3063. I see that the Provisional Order sought by this petition is divided into nineteen different heads?—Yes.

3064. Did you propose by this to take compulsory powers for the purchase of funds?—We did.

3065. Had you, in compliance with the Act of 1871, lodged maps and plans in this office or any other place, of the lands you proposed to take?—In 1874, before we presented that petition, we published a resolution and notice, as required by the 132nd section of the 10 & 11 Vic., chapt. 34. (Produced resolution as published 11th September, 1874, and the notice confirming said resolution, as required by the 133rd section of the same Act.) Notice produced, as published in the *Irish Times* of the 13th October, 1874, dated the 12th October, 1874, of a meeting of the Commissioners held that day, at which a resolution was passed confirming the resolution of September, 1874, authorizing the application to the Local Government Board for Pro-

visional Order, to be subsequently confirmed by Parliament, and that latter notice referred to place laid on the table.)

3066. Were the notices required by the Local Government Act of 1871, the 34 & 35 Vic., c. 102, duly published within the time prescribed by that Act?—Yes.

3067. Mr. PERRIN.—I was present at the inquiry, and it was proved that several owners of property proposed to be affected were not served with the notices required by the Act.

3068. Mr. LAWLESS.—Do you say that notices were served upon all the persons mentioned in the schedule?—Yes, and the declaration of the service upon them was lodged with the Local Government Board.

3069. Were notices served upon the persons named in the schedule?—There were.

3070. What answer or intimation did the Town Commissioners receive from the Local Government Board to this petition?—They first acknowledged the receipt of it.

3071. What was the next communication the Commissioners received from the Local Government Board?—The next was a warning the opinion of Mr. Molesher, Q.C., their consulting counsel. First, they acknowledged the receipt of the petition in the ordinary way, next they sent me a letter of the 8th July, 1875, stating it would be necessary to take counsel's opinion before ordering an inquiry.

3072. When was that opinion furnished to you?—It was sent in a letter, bearing date the 16th July, 1875.

3073. Can you give us a copy of Mr. Molesher's opinion?—Yes. (For opinion, see Appendix No. 1, page 117.)

3074. Having received this opinion of counsel, what action did the Kingstown Commissioners take?—They desisted on seeking a Limited Inquiry.

3075. Do you mean to say that they decided upon accepting the Provisional Order which counsel advised it was within the power of the Local Government Board to make?—Yes.

3076. Under what part of the power of the petition did the Commissioners propose to proceed?—They pro-

posed to proceed in reference to sections Nos. 1, 2, and 3, and certain alterations in their local Acts.

3077. Under what head?—Part 3; we proposed to adopt that part.

3078. Did the Commissioners propose still to apply for compulsory powers for the purchase of the land?—They then had agreements, and they did not ask for compulsory powers.

3079. Had you got any agreement from any of those persons for the sale of their lands to the Commissioners?—No; we subsequently obtained the consent of the Harbour Commissioners.

3080. Can you refer me to the minute on the Commissioners' book, in which it was proposed to refer that part of the petition to the Local Government Board?—9th November, 1873.

"Resolved.—That application be made through the solicitors to the Local Government Board for an inquiry to be held by the offices of Mr. Monahan, Q.C.—for a Provincial Order under the Local Government Act, 1861 and 1872. Question put and carried unanimously."

3081. Did that inquiry take place?—It did.

3082. By whom was it held?—Mr. O'Brien. It commenced on the 7th February, 1874, and continued for five or six days.

3083. Have you got a copy of the notice published by Mr. O'Brien?—I have. The notice went on to say:—

"And whereas I have been directed to inquire in respect of some of the matters contained in the petition. Now therefore I hereby give notice that I will sit at the Kingsdown Township Commissioners' Office, No. 114, Lower George's-street, Kingsdown, on Monday the 7th February, 1874, at 11 o'clock, to make enquiry as to the genuineness of the above mentioned petition, and in respect of any proposal contained therein, as relates to the purchase and taking of land for sewerage purposes, and of certain alterations in the Kingsdown Improvement Act, 1862, and the Township of Kingsdown Act of 1860, when all persons desirous to make proposals or say of them may present to me a statement of their intentions respecting. A copy of petition, and the plan of the proposed works are deposited at the Kingsdown Township Commissioners' Office, No. 114, Lower George's-street, Kingsdown, and may be there seen at all reasonable hours."

"Wm. P. O'BRIEN, Local Government Inspector.

"Malahide, 18th January, 1874."

3084. At that time had the Kingsdown Commissioners the assent of any of those persons named in the schedule?—We had the assent of the Harbour Commissioners, and the Dublin, Wexford, and Waterford Railway Company.

3085. Had you made arrangements with any other parties?—No. In fact having got the assent of the Harbour Commissioners and the Dublin and Wexford Railway, we did not want the assent of any one else for sewer No. 1 on the Western Pier; we had the assent of both the Harbour Commissioners and the Railway Company, as to the sewer at the Western Pier; and we had also the assent of the Railway Company as to the sewer No. 2 in the line of railway; so that we did not want any compulsory powers to take any land for sewers Nos. 1 and 2.

3086. Was the principal portion of the inquiry taken up with No. 3 sewer?—The greater portion of it, but Nos. 1 and 2 were also discussed.

3087. How long did it last?—Five or six days.

3088. After the inquiry what was the next step taken? Did the Commissioners receive any further communication from the Local Government Board?—We got a very long letter, dated the 23rd March, 1874. (For letter see Appendix No. 1, page 118.)

Mr. EXTRAX.—I observe in this opinion Mr. Monahan says:—

"All these objects except the fact are outside the scope of a Provincial Order, they either repeat powers which the Parliament have already under the Statuary Acts or they the provisions of Public General Statutes."

Was not the whole of that opinion fully answered by that opinion of Mr. Monahan?—The moment you admit you did not want compulsory powers to take any land? Why did you go on with the inquiry after that?—With your permission I would refer you to the opinion of Mr. Gerald Faingibben which governed very much the gentlemen who proposed and prepared that petition.

3089. What is the date of that opinion?—September 11, 1873.

3090. Could you let us see a copy of it?—Certainly. At that time we were thinking of going to Parliament, and we obtained the opinion of counsel as to our going to ask for powers under the Local Government Board, and he advised us that we would not be justified in going to Parliament.

3091. At whose expense was this petition printed?—At the expense of the Commissioners. I applied to the Local Government Board and obtained their sanction to the printing of the petition. I think we all know as the printing was much cheaper than having to get copies written out.

3092. Was there any further opinion of counsel sent with this letter of March 23, 1874?—No. I would like to call attention to the letter of Mr. Robinson of the 16th December, 1873 (who was to have held the inquiry but he was subsequently appointed Assistant Under Secretary). (For letter from Mr. Lister to Mr. Robinson, of 14th December, 1873, see Appendix No. 1, page 118.) I asked him whether he would go into evidence, and have his letter to show that we were justified in going into evidence as to the sewer.

* Kingsdown, 16th December, 1873.

"DEAR SIR.—In reply to your letter of the 14th instant I beg to inform you that it will be my duty to oppose both the necessity for and the validity of the sewer to be constructed, and the lands which the Kingsdown Commissioners desire to obtain authority to take; and that I will require any witness which may be tendered to me upon these points as well as upon the sufficiency of the estimate of the expense.

"Yours truly,

"HENRY BURKE."

3093. When that letter was received by you from Mr. Robinson, had you obtained the names of those bodies that you mentioned, that is, the railway company and the Harbour Commissioners?—Yes.

3094. After the inquiry was held, and after you received the long communication of the 23rd March, 1874, what steps were taken by the Kingsdown Commissioners in relation to the pending petition before the Local Government Board?—Well, I met Mr. Wodehouse, the assistant secretary, and he told me it would be necessary to have agreements from the Harbour Commissioners and the Kingsdown Railway Company. I succeeded in getting an agreement from the Harbour Commissioners instead of having to ask for compulsory powers, and this is the agreement entered into between Colonel John McKeown and the Kingsdown Commissioners, giving us the right to construct the sewer at the west pier. The railway company were willing to give us letters assenting, but they would not give us the agreement.

3095. Have you the letters from the railway company?—Yes.

"Mr. Lowndes made letters dated Dublin, 2nd December, 1875, to Mr. Etalor:—

"DEAR SIR.—With reference to your letter of the 17th ulto, I am desired to inform you that the Directors of this company will permit the construction of the sewer to be laid alongside the ordinary train opposite Haddington-grove in the Grosvenor-gardens, on the following conditions, viz.:—That the present existing sewer should remain in a sound condition; secondly, that the double new sewer on the line should be permitted to run into the old sewer; thirdly, that the Kingsdown Commissioners should assist the company in removing a tree for a double line whenever the company wish to prosecute it. Please say if the Commissioners agree to these terms.

"I am, sir, your obedient servant,

"E. W. MARSHALL, secretary."

"Dublin, Wexford, and Waterford Railway Company,

"Secretary's Office, Westland-new, Dublin.

"John Lister, esq.

"DEAR SIR.—In reply to your letter of 18th instant, I am desired to inform you that the Directors of this company will not object to the intended sewer being run through or under the portion of the sea-shore occupied by the Grosvenor's bathing-places, as the west pier of the Kingsdown harbour, provided the work to carry out to the extension of their embankment, and that the Commissioners of the Kingsdown township will indemnify the company and their agent for the liability given against any loss or injury during the construction of the work, or consequent thereto.

"I am, sir, your obedient servant,

"E. W. MARSHALL, secretary."

O 2

KINGSDOWN,
Aug. 8, 1873.

Mr. John
Lister.

Kingswear.
May 8, 1877.
Mr. John
Law.

I find, Mr. Law, that by these letters consent was given by the company to the Kingstown Commissioners, making the owners under the line as required?—Yes.

3105. Supposing the conditions expressed in these letters were complied with, was not the necessity for obtaining compulsory powers dispensed with?—Yes; but we could not force them, because it was conditional that we would not seek compulsory powers.

3107. After the time you got this agreement from the Harbour Commissioners and the letters from the railway company you did not, as regards the lands over which they had control, require any compulsory power?—That was one of my reasons for writing to Mr. Robinson.

3108. His answer is entirely confined to the practicability of the service in the places where you required the compulsory power?—Upon the inquiry there was a discussion as to whether the railway would be the proper place for the service, and as to whether the western pier was the proper place.

3109. What was the next step after making the agreement with the Harbour Commissioners, you having at the time the letters from the secretary of the railway company?—I furnished them with the agreement.

3110. The company?—Yes—in the first instance, to allow us to construct the works ourselves.

3111. When you furnished the Kingstown Commissioners with this agreement, was it signed?—No; it was never signed.

3112. What was the next step taken by you before the Local Government Board?—I cannot say—I was furnished with a draft of the Provincial Order.

3113. Was this the first draft furnished by the Local Government Board (referring to a draft previously)?—Yes; the facts are stated, that the Harbour Commissioners and the railway company refused to give us compulsory powers.

3114. Mr. EXHAM.—I do not know what you mean by saying they declined to give you compulsory powers. On the contrary you agreed with them, and then did not want any compulsory powers, so that the reply to your application was simply this—"With No. 1 and 2 we have nothing to say, because you have already made arrangements with the owners of lands, and therefore do not require any compulsory powers with respect to them, and as to No. 3 we refuse?"—That was the answer after the inquiry was held.

3115. Of course it was, but it was the result of the inquiry. They said, "As to Nos. 1 and 2, inasmuch as you require no authority from us, you having arranged with everyone concerned you don't want a Provincial Order. As regards No. 3, we won't give it to you." That long and very expensive inquiry before Mr. O'Brien, lasting a week, would never have been held with regard to sever No. 3 alone, which you were refused at once, and the result is a large amount of costs and expenses incurred for nothing.

3116. Mr. LAWRENCE.—What was the next communication after the letter of the 23rd March, 1870, that the Commissioners had with the Local Government Board?—I find here, that at a meeting on the 13th April, 1877, which appears to have been specially convened for the purpose mentioned in the notice, there was the following resolution passed:—

"Draft of Provincial Order from the Local Government Board was submitted by Mr. Law, and read."

I want to see that draft of Provincial Order?—That is another one. (Hands in draft.)

3117. Then after that resolution it is voted, seconded, and resolved—

"That we hereby approve of Draft of Provincial Order now read, and that the same be referred to the local registrar to be forwarded to the Local Government Board."

I find by the draft adopted at the meeting on the 13th April, 1877, it was ordered—

"That from and after the time that this order shall take effect, it shall be lawful for the Commissioners to put in force the pro-

visions of the Lands Clauses Act, with respect to purchase and taking of lands, otherwise than by agreement, with respect to the lands and premises following."

Now I find written under that—

"There are not any such lands in respect of which compulsory powers are sought?"

—That has reference to servers 1 and 2.

3108. Is it not a fact at the time that draft and Provisional Order was adopted by the Commissioners, they did not require any compulsory powers?—I got a letter from Messrs. Guille and Dwyer, saying that all reference to servitude is omitted from the Provincial Order. I had a correspondence on the subject which I intended bringing before the Commissioners, but I did not get a final letter. I wrote the following letter (read):—

* 36, Eccles-street, Dublin,
23rd April, 1877.

* Kingstown Provincial Order.

"DEAR SIR.—I am in receipt of your letter of the 16th instant. Sir, it is therein stated that all reference to servitude is omitted. I assume that counsel for the Local Government Board has considered the effect this omission may have upon the agreement entered into between the Commissioners of Public Works and the Commissioners of Kingstown (the original and a copy of which you have). In that agreement, clause No. 1, and the Provincial Order and Schedule Act enclosing same, are specially referred to. However counsel is the better judge; but, as you have appointed me the matter is under consideration of the Local Government Board, I consider it but right to call your attention to the agreement with the Commissioners of Public Works—Yours &c. 1.

"I am, dear sir, yours truly, * JOHN LAW.

"To Messrs. Guille and Dwyer, 18 Talbot-street."

To that I received the following answer:—

* 18 Talbot-street, 23rd April, 1877.

* Kingstown Provincial Order.

"DEAR SIR.—Counsel had before him copy agreement with the Harbour Commissioners, and did not consider it necessary to make it part of the Provincial Order by inserting it in the schedule, as it provides for the execution of a grant by the Harbour Commissioners under and at some future time.

"Yours truly,

* GUILLE & DWYER

"To John Law, esq., 21, Eccles-street."

I again write as follows:—

* Dublin, 23rd April, 1877.

* Kingstown Provincial Order.

"DEAR SIR.—I am in receipt of your letter of the 23rd instant. You are quite correct in saying that agreement with the Kingstown Harbour Commissioners provides for the execution of a grant by them, but if you refer to the last sentence in the said agreement you will find that the execution of that grant is conditioned upon the confirmation of the Provincial Order. I therefore consider it most important that the agreement with the Harbour Commissioners should be made part of the Provincial Order, either by reference thereto, or by schedule, or by such other mode as counsel shall consider best. My parliamentary agents are thus at liberty to issue new orders not yet forthcoming; and that the order known will have to run with them, and become the subject of another bill, to be introduced in the Commons.

"I am, dear sir, yours truly,

* JOHN LAW.

"To Messrs. Guille and Dwyer, 18 Talbot-street."

3118. Did the Commissioners, in accordance with the resolution which was read, send you the draft of the Provincial Order, and did you forward it to the Local Government Board?—Yes.

3119. Mr. EXHAM.—You had an agreement with the Board of Works, and in case you had no agreement with the other parties you would have taken compulsory powers, but you had an agreement?—The agreements were to form part and parcel of the order, but they were omitted. They were to be confirmed by Act of Parliament.

3120. Notwithstanding that in your agreement with the Harbour Commissioners you contemplated confirmation by Act of Parliament, the Local Government Board state thatinasmuch as you do not want compulsory powers, having an agreement, they would not make a Provincial Order.—We wanted the power to be included in case the Town Commissioners should succeed in obtaining an Act of Parliament. The Har-

hour Commissioners may permit the agreement to remain in full force till the next session.

3112. Mr. LAWLESS.—You know that the Local Government Board did not intend to give you any order concerning Nos. 1 and 2, and the Commissioners did not go into any evidence on the point?—They did, indeed. Mr. Doyle was examined with reference to sewer No. 2. Every professional gentleman was examined with reference to 1 and 2.

3113. At all events the fact is that sewers 1 and 2 were rejected!—They were rejected.

3114. Surely they were rejected and not confirmed by an order?—No order was obtained.

3115. Did you get any reply yet to your letter of the 23rd April to Messrs. Geale and Dwyer?—No.

3116. Have you had any communication from the Local Government Board since that letter was written?

Town Clerk.—The Town Commissioners did. (Hands in letter.)

3117. Mr. LAWLESS (reads letter).—Local Government Board, 2nd May, 1877:—

"To the Chairman of the Kingstown Commissioners.

"Sir,—Referring to previous correspondence on the subject, the Local Government Board for Ireland do not consider it wise for the information of the Town Commissioners of Kingstown, that the Board have much of a correspondence from their solicitors, Messrs. Geale and Dwyer, from which it appears that it has been finally decided after several communications with Mr. Lake that there are no such funds required to be taken by the Commissioners for the purpose of making the proposed interseepage, still known, called No. 1 and No. 2, in the portion of the Town Commissioners of the 25th May, 1858, and that that part of the petition has therefore entirely failed. The object of the Town Commissioners as they are sever, was to obtain power over certain roads and to be necessary for their purpose, to make agreements with the Kingstown Harbour Commissioners, and the Dublin, Wicklow, and Belfast Railway Company respectively, to obtain the Local Government Board's recommendation of a loan which they might, if possible, draw from the Public Works Commissioners under the 1861 section of the Public Health Act of 1854, when the issue of a Provisional Order, and other minor steps, were taken in the petition. Inasmuch as no funds are required to be taken for sewerage works there is no case made for the issuing of a Provisional Order to that effect, and Council advise that no Provisional Order whatever can be made with respect to the sewerage, and observe that the consequence is that the greater portion of the legacy which has been held, remains to be used. What remains of the proposed Provisional Order, which may in some way be important, remains with one exception. This exception is the power sought for by the Town Commissioners to direct the road rate which they are empowered to assess under the Acts of 1861 and 1874, from the proceeds intended and estimated by those Acts, and to apply the road rate to the general expenses of the township, to the ascertaining of pathology or topography, &c. It appears that Mr. Ross, now clerk, was the witness who was consulted at the inquiry which was held by the Local Government Board's Inspector, Mr. O'Brien, in support of this proposition to direct the road rate for administrative purposes. In answer to a question—"whether it was necessary to amend the Road Act of 1864, for the advantage of the township and for the due application of the rates for the purpose of ascertaining, such as he described," Mr. Ross stated that—"he thought it would be a desirable amendment, and that the Board were anxious of having the amendment made." This seems to be the only evidence put forward in support of this proposition, and so general after that that expression of opinion was not required by Mr. Lake, but it will be seen by reference to section 3 of the Act of 1864, and again by the more recent legislation in the Act of 1874, that the word "road" includes "street, bypath, square, &c., or public passage within the limits of the Act." It then appears that the Town Commissioners have at present the power in regard to topography which they sought to obtain in their petition, and that no new power in that respect is required. The remaining powers of the Provisional Order sought for, are hardly such as to call separately for legislative enactment, and the Local Government Board do not propose therefore at present to issue a Provisional Order in the case.

* By order of the Board,

"B. RADFORD, Secretary."

That is a refusal by the Local Government Board to issue any order!—At present we did not seek to alter the road rate, because that was one of the uses to which it was to be applied, but we wanted to apply it generally.

3118. Mr. EDWARD.—Mr. O'Brien says you have no power to apply it to sewers. The road rate at the present moment, if properly applied, would exhaust itself, and if you apply it to making sewers, what is to become of the roads? Do you think the Local Government Board would alter the Act of Parliament

in that respect?—They have proposed in the draft provisional order to give us the power we asked for.

3119. Did they give it to you in the order as originally proposed?—No; in the very last one furnished.

3120. When was that order furnished by the Local Government Board?—Some time in April.

3121. When that draft order went back, the Local Government Board, in effect, say this—"No lands which you want in relation to Nos. 1 and 2 sewers require compulsory powers. Sewer No. 3 we have decided against. The rest of the matter in your petition should not have been asked for in such a petition, if at all; therefore, we will give you no order."

3122. Mr. LAWLESS.—Was the letter of 2nd May, 1877, laid before the Kingstown Commissioners?—Treasurer (took).—It could not be laid before the Board yet; it will be laid at the next meeting.

3123. Mr. LAWLESS (to Witness).—Have you any idea what the costs of all this matter will amount to?—I have not, but we contend that we are entitled to get the costs.

3124. Have any portion of the costs been paid?—I have been paid my costs.

3125. I mean of the petition presented in May, 1875?—I could not do without my costs.

3126. Mr. EDWARD.—You did quite right; we speak with reference to paying the costs out of the rates—that's all we are here for, to see how the rates are expended. Have any portion of the costs been paid out of the rates?—Yes.

3127. Can you tell us the amount of costs paid to you, with reference to this matter? If I don't mistake there was a bill of £38 costs, which some of the ratepayers had to pay for opposing?—Mr. FERDINAND.—There was.

3128. Mr. EDWARD (to Town Clerk).—Can you state the amount of costs which have been paid out of the rates, with respect to this provisional order, up to the present time?—I will take a note of your question and send you the particulars.

3129. The improvement rate shows an apparent surplus of £36; but £36 would not pay even the costs of the Local Government Board in holding the inquiry. Has any portion of the Local Government Board expenses been paid?—Not yet.

3130. Do you know what they will amount to?—No.

3131. Mr. MCNAUL.—I objected to the payment of some of these costs. Mr. Finlay ruled with me, but the Local Government Board set aside his decision, and allowed the costs.

3132. Town Clerk.—The question has been decided by the Local Government Board that the costs must be paid out of the rates.

3133. Mr. EDWARD (to Town Clerk).—When was the matter discussed before Mr. Finlay?—On the 20th of April.

3134. At that time was it not still considered that the Commissioners required to go on, and get compulsory powers?—Yes.

3135. The Local Government Board may have advised Mr. Finlay quite correctly at the time. The case as it stood then, or was supposed to stand, was that it was necessary to present the petition, because compulsory powers were required to be obtained. The advice may have been quite right on that supposition. After that, however, the Commissioners make the necessary agreements with the parties concerned, and compulsory powers were no longer required. The Commissioners, however, persist in having the inquiry held, and heavy costs are incurred thereby. The matter ends by the Local Government Board saying in effect: "You have failed in satisfying your petition; there is no necessity shown for us granting any part of your application; it is not required, and therefore we decline to grant it." After this, do you say that all the costs and expenses of this inquiry should be paid for by the ratepayers?—We do.

Known to
May 3, 1877.

Mr. John
Lake.

Kilkenny

May 6, 1877.

Mr. John
Lodge

3154. Mr. LAWRENCE.—It was only in the month of April, 1877, that the Local Government Board were informed of the fact that there were really no bonds with reference to which compulsory powers were required to be obtained. At this time, however, all the expenses had been incurred, and you left them under the impression that compulsory powers were required. (The inquiry then terminated.)

After the inquiry had terminated it appeared that the shorthand writer had not taken down some evidence given by Mr. Brady, Mr. Daffy, and others, with reference to the construction by Mr. Doyle of a sewer in George's-street, in the year 1873, in consequence of which Mr. Echols was obliged to attend in Kingstown on the 29th June, ultimo, when the following evidence was given:—

June 29, 1877.

Mr. Brady.

JUNE 29, 1877.

(Before MR. ECHOLS.)

MR. BRADY recalled.

3157. Do you recollect the making of the new sewer in Upper George's-street, in 1873?—Yes.

3158. Is that the sewer in relation to which Mr. Doyle stated that Mr. McEvoy had employed you as a spy upon him?—Yes.

3159. Is that the sewer in reference to which he said he would bring the police to get you out of it?—The same.

3160. Were you employed by Mr. McEvoy to look after that sewer?—No.

3161. Was it as a ratepayer you looked after it?—Yes, sir. That is all.

3162. What is your valuation?—£12 10s.

3163. Did you go to look at the sewer while it was being constructed?—I saw portion that had been built with the fall in the wrong direction.

3164. You say you perceived when the sewer was being made, that it was getting a wrong fall?—Some thirty yards of the inside walls were built, and I saw a dam a few feet from the junction, and the water stood there against the dam about eight inches deep, and I then knew it was being made with the fall in a wrong direction.

3165. Was the effect of this dam to prevent the water following the workmen?—Yes, to prevent its going in the wrong direction after the workmen. In fact the water was going from the outfall against the fall.

3166. Had you any conversation in reference to that with Mr. Doyle?—No; first I mentioned it to Mr. McEvoy.

3167. Had Mr. Doyle spoken to you about it before?—No.

3168. When did the master about the police occur?—After he heard I had mentioned it to Mr. McEvoy.

3169. In consequence of your mentioning it to Mr. McEvoy was there an appointment made by him to go there and examine it?—Mr. McEvoy said he and Mr. Kelly would meet me there at a certain hour.

3170. Did you go there?—I did.

3171. Wish then that the conversation took place about Mr. Doyle?—Mr. McEvoy arrived at the time appointed. Mr. Kelly did not arrive at that time. I pointed out what I thought wrong to Mr. McEvoy, who said he would take immediate steps and would have the levels tested before the work should proceed further. He then left and told me to wait for Mr. Kelly. Mr. Kelly arrived and looked for Mr. McEvoy. I told him he was gone, and he asked me to point out what I considered wrong. I showed him the dam to retain the water.

3172. Was there a pipe there?—No, not at that time. I told him my belief was if the dam was removed that the water would follow the workmen. I suggested to him to have the dam removed. Mr. Kelly went down a ladder into the sewer. He directed a man to break the dam, and the water from the Malgrave sewer rushed in on Mr. Kelly, who came up the ladder and made use of a very forcible exclamation.

3173. Did you yourself actually see the staff coming down the drain?—I did, and Mr. Kelly saw it run the workmen out and suspend the building operations for that day.

3174. Was the whole of the staff running in that

direction, or only partially so?—It all went in that direction until it reached a certain level.

3175. Can you say now what height of water or staff there was?—I could judge about ten inches.

3176. Did Mr. Kelly go away then?—He did. There was a special meeting called of the Commissioners.

3177. Were you present?—I was not present; but it was convenient by requisition to consider that matter.

3178. Did you make any report yourself to the Commissioners on the subject?—No, I considered what I did was sufficient.

3179. What was done with the sewer afterwards?—It is still in the condition it was in then. I was told a special meeting was called, and that Mr. McEvoy called for an engineer to test the level.

3180. Is there any resolution on the books in 1873 with regard to this sewer in George's-street?—Mr. Echols.—No, it was dealt with at the time; there was nothing done subsequently.

3181. Was there a notice of motion on the subject?—I will see (referring to minutes). There is a report of the engineer when he headed in a detailed estimate of the cost of the Upper George's-street sewer, and I transcribed that to the Indigo, which can be seen.

3182. What was the next thing?—Witness.—The next thing was that I understood a committee had been appointed by that Board to inspect the work. I heard that. I looked round there on the day of the inspection, and I saw the head ganger place a metal pipe in the sewer to conduct the waste of Malgrave-street sewer into the old sewer in George's-street, which led to the Fortyfoot-road sewer. It was on that occasion Mr. Doyle called the police to have me removed. I saw that pipe put in, and I saw the sewer cleaned up as clean as that dock. Mr. Buckley's sewer was made quite dry. It was an open arch.

3183. What became then of the sewage of George's-street?—One end of that pipe was inserted in George's-street and the other in Malgrave-street. The pipe was stamped at both ends with clay. In 1877 I made a record of the drainage under Mr. Pallas.

3184. What was that new sewer made for?—I presume to drain the houses on the north side of the street.

3185. Have they been drained into it, do you know?—Certainly not. The sewer acts for the houses on the upper side now, but it did not at the time you speak of.

3186. If it acts for the houses now, where does it go now?—Some portion of the sewer was cleaned up for the inspection. The sewage was forced in the natural direction, but it otherwise would not have gone that way.

3187. Having heard there was a committee of inspection, you say the pipe was put in for the purpose of carrying away this drainage which would have gone in the wrong direction if allowed?—Yes, and when Mr. Kelly saw it the sewer was cleared up.

3188. Did any committee come to inspect it?—Yes; Mr. Kelly came. Mr. Daniel Sexton was the other Commissioner, and Mr. Brand the third. I heard Mr. Kelly say to the other two, "There is no water there; it is all right." I explained that the metal pipe was

put there to carry the water in another direction. I requested to have it removed.

3168. Was that done?—No; Mr. Kelly told me they did not consult me, that I had not been asked for any advice on the point.

3169. Do you know how long that pipe remained there?—Until after the inspection of the committee and then the dam was allowed to remain and do its work from that to the end of the sewer at Buckley's.

3170. (Pointing to map). Is that what you represent as the dam there?—Yes, of course the pipe was removed.

3171. Mr. Kelly.—It is not there now.

Witness.—No, I should say not.

3172. Mr. EHRAM.—Is there any dam in it now?—No, decidedly not.

3173. Can you say at what height should it rise at Mr. Buckley's and before it goes in the direction which is intended?—I should say the difference of true level would be eight inches, and I will give you my reason for that: the water indicates the level, and it was then only four inches at the outfall, and twelve at the end, which is supposed to be the highest point, and that is so still at the end of the sewer opposite Mr. Buckley's.

3174. And is Mr. Buckley's house connected with that sewer?—Yes, and all Northumberland-avenue; it falls into the end of it.

3175. According to that there is always twelve inches of deposit there?—There are twelve now; that has been opened since you were here before.

3176. Was it opened up the whole way?—The two ends were opened.

3177. What was found at the Mulgrave-street end?—Four inches at the outfall of it there.

3178. Was it the day that the committee, as you call them, came to inspect, that Mr. Doyle applied to the police to take you into custody?—Yes. While waiting for the inspection the policeman asked me my business; I said I was there as a witness; he said he could not interfere with me, unless I interfered with the work.

3179. Suggested by Mr. Kelly (to Witness).—In what manner can you be a skilled witness to decide in reference to the sewers or levels of the township of Kingstown?—I was a good while at that time of work.

3180. At the construction of sewers?—Yes. I made a record of sewers as they existed in 1857 under Mr. Pallas, and the Commissioners paid me for five months for that duty. I took the level of certain sewers, and that is how I knew the level of that sewer.

3181. Suggested by Mr. Kelly.—When Mr. Pallas was making the sewer of Kingstown, were you landed over as an intelligent man to assist him in making the level of the sewer?—I was; I did that. There were three or four men weak over there.

3182. Is your business not that of a parson?—Yes.

3183. Did you do your business as a parson under Mr. Doyle, and then you have turned an asphalt layer?—No.

3184. As an engineer you don't pretend to be a skilled witness?—I never qualify myself.

3185. If a flow of water comes down Mulgrave-street by the sewer, will it divide in the two drains, and run both ways?—No; not according to the construction of the sewer there.

3186. Did Mr. Kelly run up the ladder?—Yes.

Mr. Kelly.—And I would do the same again.

3187. When the sewer was making from Mulgrave-street to Mr. Buckley's, was not the pipe inserted in that way?—Yes.

3188. Was not that pipe kept there and drained up until the sewer at Buckley's was finished?—No, not for forty-eight hours.

3189. Mr. Kelly.—That is all nonsense!—If you did you would never get it out of it. I could give you a reason on the diagram, thus why you could not.

3190. Mr. Kelly.—I saw the water there. There was a pipe laid for the purpose of carrying off the sewage of Mulgrave-street until it was stopped; as

soon as the flow of water came down and struck on the sewer, it divided in both ways.

3191. (Suggested by Mr. Kelly).—What was the size of the sewer?—Three feet high by two feet at the spring of the arch—a brick arch.

3192. Mr. EHRAM.—Was that from George's-street up Mulgrave-street?—Yes.

3193. What was the size from Buckley's to Mulgrave-street?—The same.

3194. Is there much fall down Mulgrave-street?—A very great fall.

3195. Mr. EHRAM (to Mr. Doyle).—Do you wish now to give any explanation on this matter? When we were here last we invited you to give any explanation you pleased, but you declined doing so?—I did, because I was so perfectly disgusted with the persons that you chose to examine; I thought you would take a higher standing.

3196. That is for us, Mr. Doyle. When giving evidence, the peasant and the peer are, under the law, all alike, so long as they give true evidence.

3197. Mr. McENAGY.—If it is not on the minutes—I can't find it on the minutes—but my recollection is distinct that after what occurred I moved to have a skilled person appointed to examine these sewers, and I was overruled.

3198. Mr. Kelly (to Mr. McEnagy).—Is that your recollection?—Yes.

3199. Mr. Kelly.—According to my recollection nothing of that kind took place, because I would always go in for a skilled person.

3200. Mr. EHRAM (Town Clerk).—I have referred to my minutes for what Mr. McEnagy asked, and I certify to fact it, and I am looking again to my minutes for it. I find that the construction of the Upper George-street sewer was to be carried out by a committee, and on September 22nd, 1873, I find on the minutes that the town surveyor stated to the committee there was a fall of one foot on the road from Mr. Buckley's corner to Mulgrave-street, and that he had ascertained that level on the 22nd June last. He further reported—

"That the Upper George-street sewer is eleven feet in depth, and from the bottom to the surface of the road is eleven feet, being the same as that of the sewer from the Royal Marine-road to Mulgrave-street; that there is five inches of water from the present junction of the two in Mulgrave-street. This is caused by the earth and running down Mulgrave-street, over striking the sewer."

Well, then he has a long report on the subject. It was then passed:

"That the man-hole on the Royal Marine-road be opened to find the character of the main sewer; that the brickwork of the new sewer be taken half way, but the work not to be made so that the level will be more than the flow of water allows; that the junction of the sewer be cut back, until the abstraction new outlet be removed, and also that of the new sewer above, Upper George-street; that the new sewer to be accurately shown on the map by the surveyor; that the dredges, the sewer, and the number of the rivets be attested next Wednesday, at eleven A.M., in the manner."

The surveyor also stated that it is not Mr. Pallas, but his own plan that he is carrying out, which will drain the houses on both sides of the street.

"At the following meeting, in October, Mr. McEvoy, the chairman, proposed he had examined the sewer in Upper George-street that day, and his suggestion was adopted that all man-holes of sewers be indicated by a mark; and then directions were given to the surveyor to examine the main sewer at or near Collymore, to find the obstruction there and have it removed, a man-hole to be built at the spot, the work to be done under the inspection of the chairman at eleven o'clock, on Wednesday, A.M."

3201. Suggested by Mr. Kelly.—Mr. Brady, was there a stone in that sewer?—No.

3202. Was there a rock?—My suggestion was that Mr. Doyle did not examine that sewer on any fixed plan, or in reference to what he had to do in the following year; that he did not keep near enough to the Forty-four-road, and that he did not drain George-street sufficiently in this direction. I say further now that the fill is the reverse of the crossing at Mr. Heathcote's door to Mulgrave-street.

EHRAM
June 26, 1873.

Mr. Brady.

Kilkenny
Aug 28, 1913.

Mr. Duff

3204. Were you the man employed to make that sewer in 1873?—Yes, but since you gentlemen were here, I am led the life of a greyhound. I am called a "willie" and a two-faced blackguard."

3205. By whom?—By Mr. Doyle. I assure you I was called so; and the world knows how I made my property.

3206. Are you still in the employment of the Commissioners?—Yes.

3207. Do you recollect the time that sewer was made?—Yes.

3208. Was it you made it?—Yes.

3209. Did you make it at the level pointed out by Mr. Doyle?—Quite so.

3210. Was that sewer made at a right or wrong level?—A wrong level.

3211. Were you directed to put a dam across that sewer?—I was.

3212. Who directed you?—Mr. Doyle.

3213. For what purpose?—To hinder the water going after the men.

3214. Was it going the wrong way?—It was going the wrong way.

3215. Was that the sewage stuff that comes down Mulgrave-street?—Yes.

3216. When you present the day Mr. Kelly went down the ladder?—I was on the ground over the hole, when he was higher up. I saw the dam knocked away after he came up—very shortly after.

3217. Did the water come on Mr. Kelly when he was down?—Yes; but higher up there was a dam.

3218. When Mr. Kelly went down into the sewer, was the sewer dry?—Yes.

3219. Did you see the water come in while Mr. Kelly was there?—Yes.

3220. How did the water come?—By the knocking away of the dam.

3221. Did you, after that, receive any direction about putting a pipe in?—The pipe was there, but we took it away until the work was nearly completed.

3222. I am talking of the first day. Was the pipe in the first day?—I think not, sir.

3223. Who put in that pipe?—I did, by Mr. Doyle's directions. I suggested to him to do so.

3224. For what purpose?—To prevent the water following the men, as it was running the wrong way; and I was told to mind my own business.

3225. Did you ever speak to Mr. Doyle about the levels?—I did. I told him the water was following

Mr. Duff replied.

us, and he said—"You mind your own business; you're only a servant."

3226. Can you tell me what is the difference of the levels between Mr. Buckley's end of George's-street and the lower at the corner of Mulgrave-street?—There is at present about four inches of water or thereabouts, more or less, at Mulgrave-street; while at Buckley's end there is twelve inches, according to this twelve-inch rule which went down on the invert. The water just comes above the brick end of the rule.

3227. Is there not a difference of eight inches the wrong way?—Quite so.

3228. Mr. Henry.—I would ask you to ask Mr. Duff who he tried before this Board; because the Board tried him since you were here, and found him to be at error.

3229. —That is so. I was tried behind my back and found "guilty" by this Board.

3230. Mr. EXHAM.—Do you say that since we were here and examined you about this sewer, the evidence you gave before us was investigated by the Board?—No; and I am persecuted.

3231. Mr. Kelly.—That is not true at all.

3232. Mr. EXHAM.—How it occurred was this:—At the monthly meeting in May, the town surveyor brought up a statement that on the examination of certain works, Duff had been guilty of insubordinate conduct, and the Commissioners thought Duff should apologize to him for his conduct.

3233. Mr. EXHAM.—Did they ask Duff for an explanation?

Witness Duff.—I was tried behind my back.

3234. Mr. Kelly (Iowa Commissioner).—We thought Mr. Doyle should not be anonymous, and we asked Duff to apologize.

3235. Mr. Duff.—I said at the monthly meeting Duff should get a hearing.

3236. Mr. EXHAM.—This was with reference to something concerned between Mr. Duff and Mr. Doyle in the month of May last.

3237. Mr. Kelly.—I can't go into that at all. (To Witness).—Tell me; did Mr. Doyle give you the levels of the sewer?—Yes, sir; it was Mr. Doyle.

3238. (To Mr. Kelly).—Do you wish to give any evidence about this sewer?—No; I must tell you that Doyle never had such an enemy amongst the Commissioners as I am; because there never was a day that I had not something to say against him.

Mr. FENSTERWICH

BARTON EXAMINED.

3239. Are you engineer to the Blackrock township?—I am.

3240. Do you know anything about this sewer?—Mr. Doyle asked me to come out, and I brought out the level and staff, and Mr. Duff held the level in the different man-holes from point to point, and it was within an eighth of an inch from point to point. I asked Dr. Roche to read the levels with me, and we compared notes, and there was not an inch wrong. I can understand when a crow sewer comes down that the sewage coming down would naturally sink below the level. In this case they should dam up the body of water to prevent it flowing in. There was no such thing as the water being as high at Blackley's corner.

3241. Suggested by Mr. Kelly.—There was twelve inches of water.

3242. Suggested by Mr. Barnes, you are an engineer?—Yes.

3243. And as an engineer, do you state that they are perfectly proper levels?—I state the levels are perfectly correct, and I made Dr. Roche correct them. I think the fall was, from point to point, a foot.

3244. The intention was to carry the sewage from Mulgrave-street to the Fortyfoot-road. What would you say, if there was a dam across the George's-street end of the sewer near Mulgrave-street, and the sewer was perfectly dry, and that afterwards upon the re-

move of the dam a body of sewage matter entered it coming from the Mulgrave-street sewer and flowed in the direction of Mr. Buckley's end of the sewer?—Well, I won't say exactly what occurred at that time; but they had naturally to prevent the water following when they were carrying out these works. It would not, however, affect it after the works were completed. The levels are perfectly correct now; but when I find (as I have in several parts of the township) the sewers are not properly trapped, a quantity of debris may fall down and there may be a dam formed which will stop the flow of the sewage. The sewers must be properly trapped to make all right.

3245. Mr. EXHAM.—Is the sewer in question not properly trapped?—It is not. The upper sewers are not properly trapped.

3246. If there is twelve inches of liquid deposit in the sewer at Buckley's end, and four inches at the Mulgrave-street end, what would be the result?—Well, what I would say is that I account for it by a quantity of debris coming back and stopping the brick stuff there. I took the levels of the sewer when the man-holes were open; there is not an eighth of an inch wrong in the levels of the sewer as now constructed.

3247. The Witness Duff.—At Buckley's end of that sewer, where it comes down Northumberland-avenue, there is a slight to throw the sand, and water, and stuff away; and there is at this moment three or four inches

of water up in that pipe that should serve for Mr. Long's house and all the houses I connected with this pipe.

3247. Mr. Kelly.—They all have sewers at the rear of their houses.

3248. Mr. EXHAM.—Is that new sewer capable of draining all the houses in George's-street from its level?—Witness Duff.—If it emptied itself it is capable of draining what is going in, but no more.

3249. But is it from its level capable of draining all the houses from both sides of the street?—No, it is not. I should also tell you that under the crossing of the Forty-foot-road, it should be two feet or two feet six lower to drain Mr. Buckley's sewer.

3250. Suggested by Mr. Kelly.—Do you say that

from Mr. Redmond's to Mr. Masley's shop the houses have not drains?—No.

3251. Have not all those houses a sewer in the rear, which goes out through Redmond's-tavern, and goes into the main sewer?—Chris as.

3252. Mr. EXHAM.—Mr. Barnes tells me you did not want to make that sewer at all.

3253. The Witness Duff.—Ask Mr. Doyle what is the square of that sewer at each end, because it is only a small square.

3254. Mr. EXHAM (to Mr. Doyle).—What is the square of it?—Well, it is either one foot ten or one foot eleven.

3255. Mr. EXHAM.—Is that the sewer Mr. Barnes said should have been made three feet by two?—Yes.

Mr. Doyle recalled.

Mr. Doyle.

3256. Mr. Doyle.—I now wish to give you an explanation. The level is perfectly right. You can understand the sewage from Mulgrave-street with a rush of water coming down. When we open a sewer here we have to expect a rush of water. The level up to Mr. Buckley's corner is six inches. The level of the sewer at this point is about eleven feet; it is deep enough to drain the houses on both sides. At the present moment Mr. Buckley complains of the sewer running up Northumberland-street, opposite his sitting-room. It is this very sewer. It is built of old rabbit; and this is the sewer he complains of.

3257. Mr. EXHAM.—But Mr. Buckley's complaint was this—he had expended some twenty odd pounds in connecting with the new sewer!—He did expend that money in connecting with the new sewer.

3258. His complaint is—"notwithstanding that expenditure on the new sewer, I am inundated!"—No, he complained he had to expend £17 in remedying that.

3259. You hear what Duff and Brady state—that there is twelve inches of fluid deposit in the sewer at Buckley's end, and four inches at Mulgrave-street and I can say or not as that the case is—I took the levels myself, but I went to tell you, from Mr. Buckley's corner to the Fortyfoot-road there is two feet of a fall. During the time we were working in this sewer there was a rumour that there was a rock in the middle of it. I opened it and levelled it, and we took away pounds of silt that came down from Mulgrave-street.

3260. Is the deposit there again?—Not at all, sir; it is clear. We had a rush of water, but the moment we got this completed we went in men and had it all cleared off.

3261. Mr. Kelly.—The question is this:—If there is twelve inches at Buckley's end and four inches at the other, and there are so many inches somewhere else! Here are Dr. Roche and Mr. Barnes who tried it and made this man (Duff) hold the staff.

Dr. Roche examined.

Dr. Roche.

3262. Mr. EXHAM.—Can you solve this difficulty, Dr. Roche? They say if you put the rod in at the one-hole at Buckley's end, in the centre of the sewer, you find twelve inches marked on the rod; and if you go to the other end there are four inches marked on the rod!—The fact is such, but the explanation will follow.

3263. But is that the fact?—It is. I took it as eleven inches. I took it myself; and the difference between the places is about eighty-four yards, I think, but it does not follow that Buckley's end will be lower than the other end. My report, or rather my letter, on the subject was to this effect:—I think it would have been a much more efficient sewer, if that end at Buckley's had not been made so low, and that it would have been much more efficient if it had been three feet higher. The day I saw it, the water was coming down with a tremendous velocity. I say the sewer at present is efficient, and the fact that this end is eight inches lower than that is explainable by circumstances. Running water does not run according to a horizontal surface, and therefore it may not run as deep at one place as at another.

3264. Mr. EXHAM (to Mr. Lelor).—Is it not the case, Mr. Lelor, that since we were here last the

Local Government Board have refused the petition for a Provisional Order?—Mr. Lelor.—No.

3265. Mr. Kelly.—They have not. They have refused us in this way:—We don't require a Provisional Order for No. 1 sewer.

3266. Have they not refused you Nos. 1, 2, and 3?—No; they say as we have Nos. 1 and 2 by agreement, "you don't require a Provisional Order." In consequence of No. 3 sewer being thrown out, Mr. Doyle had to make an alteration in the intended sewerage. They threw out No. 3 sewer long ago.

This closed the Inquiry.

Since the Inquiry closed Mr. Evans (Town Clerk) forwarded to us a report on the sewerage, presented by Mr. Doyle to his Board on the 22nd May, 1877, with a request that we put it on our notes, which we do. (See Appendix No. 1, page 117.)

Mr. Lelor, Solicitor to the Commissioners, also sent us a statement as a supplement to his evidence, with a like request, which we thought it right to comply with as he is the solicitor for the Commissioners and acting in their behalf. For statement see Appendix No. 1, page 118.

BALLET,
April 6, 1877.

DALKEY.—APRIL 9, 1877.

(Before Mr. COMMISISONER LAWLESS, Q.C., and Mr. COMMISISONER EXHAN, Q.C.)

Mr. Hugh
O'Neill.

1. Mr. LAWLESS.—Are you the town clerk?—Yes.
2. Is the township under the Town Improvement Act of 1854?—Yes.
3. When was that Act adopted in Dalkey?—On the 26th August, 1853.
4. How many Commissioners were there then?—Two.
5. Does the number still continue the same?—Yes.
6. Is that number now full?—Yes.
7. Do they all possess the qualification required by the Act of 1854?—Yes.
8. Was there not another Act obtained in 1867?—The 39 and 40 Vic, chap. 154?—Yes.
9. I see that by the provisions of that Act the Town Commissioners were incorporated, and powers were given to them to appoint certain officers, and to make rates, borrow money, and levy tolls?—Yes.
10. What is the extent of the municipal area?—572 acres.
11. What is the valuation?—The valuation for the present year is £12,534. It was £12,346 last year, so that you see it has been improving.
12. What is the population of Dalkey?—In 1871 it was 2,084. On the 31st August, 1875, I took the census myself, and I found there were 1,085 persons more.
13. That would make the population 3,167?—Yes; in August, 1875. I did not take the census last year.
14. Under the provisions of the Public Health Act, 1874, I think the Town Commissioners have act as the urban sanitary authority?—Yes; they do.
15. Though the population of the township is under 6,000?—Yes.
16. Do the Town Commissioners possess any property besides this town hall?—They own a bathing place that they paid £350 for, that is the only property.
17. When did they purchase the bathing place?—On the 18th March, 1870.
18. For how much?—£350; they hold it freehold.
19. Do you pay any rent for it now?—No.
20. Do the Town Commissioners derive any income from that bathing place?—No; it is open for the use of the public.
21. How long is this bathing (the town hall) rented in the Commissioners?—They have a lease of it for 150 years.
22. From whom?—From Mr. Porter; the Commissioners pay £13 a year for the town hall and the garden at the back of it. It was, as you see, an old castle, and the Commissioners took the lease of it, and got it put into repair.
23. When did they take this building and fit it up as a town hall?—It was fitted up before I came here.
24. Did they pay anything for the lease?—Yes, they paid £150 for it. They have the garden at the back set at the yearly rent of £5.
25. Does that garden represent the only property that the Commissioners receive rent from?—That is the only property they receive any rent from.
26. I perceive that your financial year ends on the 31st December in each year?—Yes.
27. What rates have the Commissioners levied for the last year?—They levied four rates last year; a rate of 1s. 6d. in the pound under the 41st section of the Dalkey Township Act of 1867.
28. Did the Commissioners in 1863 adopt the Act of 1854 in its entirety?—No; only for the purposes of lighting.
29. Have they levied that township rate for some years?—Yes, but the amount of the rate was not always the same. In 1874 and 1875 it was 1s. 6d. in the pound, and it will be the same this year, I think.
30. Do you prepare an estimate of the probable expenditures required for the year?—Yes; and we strike the rates accordingly.
31. What other rates do the Commissioners levy?—A sinking fund special rate of 1s. 3d. last year.
32. Under what Act did they levy it?—Under the 51st section of the Dalkey Township Act.
33. Is that rate fixed by the Commissioners in their estimate with reference to their liability for payment of sinking fund and interest?—It is.
34. Do the Commissioners levy any other rates?—Yes, a water rate; last year it was 4d. in the pound before it was 5d. in the pound. They levy that rate under the 43rd section of the Act of 1867.
35. How is the water supplied?—By the Corporation of Dublin, at 4d. in the pound.
36. Do you pay that for the supply of Vartry water?—Yes.
37. Do the Commissioners levy any other rates?—Yes; a sewer rate, last year it was 6d. in the pound.
38. Is that a general sewer rate?—Yes.
39. Under what Act is it levied?—Under the Sanitary Act of 1874.
40. Do the Commissioners levy any other rates?—These are all the rates they levy.
41. What is the gross amount of these rates?—They amounted to 3s. 6d. in the pound last year.
42. I find that by the Act of 1867, the Commissioners are empowered to strike a Dalkey pier rate?—Yes.
43. Has that rate ever been struck?—It has.
44. Has there been any pier and harbour rate struck since you have been here?—No.
45. What was the gross amount of your Dalkey township rate for last year?—It was £816 19s. 6d.
46. How much of that has been actually received by the Commissioners?—The total amount collected on foot of the three rates—the improvement rate, the sinking fund rate, and the water rate, was £1,437 8s. 1d.
47. Does that include the arrears from the previous year?—Yes; it includes arrears and everything to the amount of £270 6s. 7d.
48. The total amount collected in the year ending 31st December, 1876, was £2,067 5s. 8d.?—Yes.
49. What arrears of last year's rates were outstanding at the time of the passing of the accounts of the year ending 31st December, 1876?—£282 4s. 5d. as appears by Mr. Finlay's report.
50. What were your other receipts for that year?—Dog licences; rent of the garden at the rear of the town hall; hire of board room; interest on Government stock (sinking fund account); contributions towards the sanitary officers' salaries, and money received from Her Majesty's Government in lieu of rents. (For particulars of these payments see copy account for 1876, Appendix No. 2, page 124.)
51. Will you look to the receipt side of the Commissioners' account, passed by the auditor in February of this year?—Yes.
52. Do the sums there represent the entire amount of their receipts for the year ending 31st December, 1876?—Yes; the entire amount of their receipts is there set forth. (For particulars see copy same account as in last answer.)
53. What offices are employed by the Town Commissioners?—First, myself, the town clerk.
54. At what salary?—£33 a year as town clerk, and then I am executive sanitary officer at £15 a year, and I am also sub-sanitary officer for the township.
55. Are you both executive and sub-sanitary officer?—Yes.

56. What other offices do the Commissioners employ?—Mr. Walsh, who is surveyor and engineer, at a salary of £250 a year. Then there is the collector, who is paid a percentage of 6d. on the amount of rates collected and lodged to the credit of the Commissioners.

57. Does he collect all the rates levied by the Commissioners?—He does.

58. And I suppose also that small amount of rent receivable?—No; I get the rent and lodge it.

59. Does the collector give security?—Yes, for £300 by the Guarantee Society. (Papers produced.)

60. Is the premium on it paid for this year?—It is.

61. Does he give his receipt for the premium to you?—Yes, and I produce it before the board.

62. Does he reside in Dublin?—He resides at 113, Seville-place, Dublin.

63. Is he engaged in any other capacity?—I do not think he is.

64. What other offices do the Commissioners employ?—These are all the offices; there are only the workmen besides.

65. Do the Town Commissioners sweep the town?—They do.

66. What staff have they for that purpose?—They have three men.

67. Do the Commissioners employ any sanitary staff?—No.

68. What is the annual expense of the sweeping staff?—It varies every year.

69. Are the men paid weekly?—Yes; the head man is paid 16s. a week; the others 15s.

70. Do the Commissioners keep the streets and roads in Dalkey in repair?—They do.

71. Is there any county cess levied in the township?—No; the Commissioners have the roads under their control, but the Grand Jury have the county at large charges.

72. Were the powers of the Grand Jury over the roads acquired by the Town Commissioners?—Yes, by the 11th section of the Act of 1867.

73. Is there any sanitary officer within the township?—Yes, Dr. Mayne.

74. Do the Town Commissioners pay Dr. Mayne's salary?—No; he was appointed consulting sanitary officer by the Commissioners, who are to pay him 10s. each time it may be necessary to consult him.

75. Does that represent the entire staff of the Commissioners?—Yes.

76. What loans have the Town Commissioners here contracted, with their date, and the security on which they were borrowed?—They obtained three loans of £2,500 each.

77. Give me the first loan in point of date?—In March, 1869, £2,500 from the Hibernian Bank, repayable by a sinking fund, and at five per cent. interest.

78. Upon what security was it borrowed?—Upon the security of the Dalkey township rate.

79. Has any portion of it been paid off?—No; but the Commissioners have a sinking fund; one-thirtieth part of that is lodged each year.

80. Has the sinking fund been kept up?—Yes, and now amounts to £110 13s. 4d.

81. How is that invested?—In Government three per cent. stock.

82. Is the three per cent. interest accumulated also?—No; we spend it the same as we do the rates. It is lodged with the treasurer, and expended on the township.

83. In 1875 and 1877 the Commissioners have received dividends upon the sinking. Why do they not accumulate the interest?—By the Act they are only bound to save one-thirtieth, and, therefore, they use the interest to aid the rates.

84. The 50th section of the Act says the amount to be set apart every year to pay off the principal money borrowed on mortgage of the rate shall not be less than one-thirtieth of the money so borrowed, but it does not say you will be at liberty to spend the income produced by that one-thirtieth; however, this matter appears to

have been closed fully in the accounts before Mr. Finlay, and allowed by him.—It was. The next loan is the pier and harbour loan of £2,500, borrowed in May, 1869, from the Hibernian, at five per cent.

85. Is there a sinking fund for that loan?—Just the same as the first loan, with the same amount of sinking fund, which now amounts to £113 13s. 4d.?—That has been transferred from one bank to another.

86. Is the interest from it reserved, and applied in the same way as in the last case?—Yes.

87. Upon what security is that £2,500 borrowed?—Upon the security of the pier and harbour rate.

88. You told us a short time ago that there has been no pier and harbour rate struck for several years past?—No.

89. Was there a sinking fund rate struck in the year 1869?—I do not know.

90. Where are the books for the years between 1867 and 1871?—I do not know. I missed the book, and when I looked for it I could not find it.

91. Do you mean to say that you have not got it in your custody as town clerk?—I have not got the rate book.

92. For the years between 1867 and 1871?—I have 1867 and 1871.

93. Have you not got the books for 1868, 1869, and 1870?—No; I have not.

94. Was there any pier and harbour rate struck in 1871 and 1872?—No; there was a Dalkey Township rate, sinking fund rate, and water rate.

95. What was done with the £1,300 raised on the security of the pier and harbour rate?—It was spent in making a new harbour called the Coolmine Harbour.

96. When was it expended—about what time?—In 1868 and 1869.

97. Do the Commissioners receive any income of any kind from that harbour?—No.

98. Do they keep the harbour in repair?—Yes.

99. Out of what fund?—There is no rate struck to do anything; there has been very little done to it. There was £14 10s. expended in 1876 in building a boathouse, which comes into this account.

100. Did they ever strike a rate for the purposes of the harbour?—No.

101. You say there was another loan contracted?—Yes; a water loan on the 5th January, 1871.

102. How much was it?—£3,500.

103. From whom was it borrowed?—From Mr. John Fleming.

104. At what rate of interest?—Five and a quarter per cent. In case it was paid regularly he agreed to charge only five per cent.

105. Has the interest been paid regularly so as to be the quarter per cent?—No; it was not paid regularly, and we have had to pay the five and a quarter.

106. Has the payment of that £3,500 been secured by a sinking fund?—Yes; there is £133 6s. in Government Stock.

107. Was the sinking fund put by every year?—There was one year missed before I came here, but since I have been here it has been always done.

108. Has the interest been used in the same way as the others?—Yes.

109. Have the Commissioners borrowed any further sum?—No.

110. Upon what security was the water loan borrowed?—Upon the security of the water rate.

111. How has it been applied?—In laying water mains, but it did not cover the expense of laying them. They cost £500 more than was borrowed.

112. How was that £500 obtained?—It was not obtained. The contractors did the work, and the money is still due to them.

113. Is the £500 still unpaid?—Yes, but the Commissioners are getting the money from the Government at three and a half per cent. for the purpose of paying it off.

114. Who were the contractors for that work?—Messrs. Bellington and Son, Glasgow.

115. Have the Commissioners arranged to borrow

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the money to pay the contractors?—They have almost got it; the Government has agreed to lend it.

116. How much have they applied for?—£341, the amount due to Messrs. Bidlington.

117. Have the Commissioners applied for a Provisional Order?—They have, and the Provisional Order is confirmed.

118. Has it been passed?—Yes.

119. I do not find that this Provisional Order gives them any borrowing powers!—It is not under it they are borrowing it; it is under the Sanitary Act.

120. Mr. ECHAM.—Have you not power under your old Act to borrow £10,000?—Yes.

121. Mr. LAWLESS.—Have the Commissioners borrowed any other sum besides those three you mentioned?—No.

122. Was it a part of the arrangement with the Corporation of Dublin, that the Commissioners were to lay the water mains?—Yes, by the Act of Parliament they are bound to lay down the mains, but only within the township.

123. I think you mentioned that one of your rates—a rate of 6d. in the pound—was struck under the Sanitary Act of 1874?—Yes.

124. That 6d. makes up the full amount of 3s. 6d. in the pound?—Yes.

125. Is it not the case that the piers and harbour debt of £2,500 is now being liquidated by the Commissioners out of a rate that is not applicable for that purpose?—I would not say that.

126. Were they not authorised to borrow the money upon the security of the piers and harbour rates? What power have they to pay it out of any other rate?—The sinking fund special rate, they conceive, makes provision for it.

127. Mr. ECHAM.—Why don't you strike a rate to pay it; and why don't you keep separate accounts of such of your rates, and the payments made out of each?—If they did strike a rate it would be illegal, as they are doing nothing on the piers and harbours, and therefore could not spend the money. However the accounts of the different rates have been separated since the auditor drew attention to it.

128. Are you paying out of the sewer rate anything to the piers and harbour?—No.

129. Was not the sewer rate mixed up with the general fund?—Yes; but when the Government auditor drew attention to the matter it was kept separate.

130. Mr. LAWLESS.—Yes mentioned, I think, that the streets and roads of the town are repaired and kept in order by the Commissioners?—Yes.

131. In addition to the scavenging of the streets?—Yes.

132. How is the town lighted?—By thirty-six lamps, the gas is supplied by the Alliance Gas Company under a contract, but it is not run out.

133. What is the rate you pay for the gas?—A contract was entered into between the Alliance Gas Company and the Commissioners by which the gas was to be supplied at 4s. 6d. per 1,000 cubic feet, and to pay 1s. 6d. rent for each lamp post. That contract was made on the 1st October, 1870.

134. Is that the contract under which you are supplied with gas now?—No; that contract was out on the 1st October, 1873, and no arrangement of a similar character has been made since. We now pay the same price as private consumers for the gas.

135. Who keeps the gas-lamps in repair?—The Commissioners keep the heads and glass repaired, and the gas company the posts.

136. Has there been any new contract made?—No.

137. Do the Commissioners now pay the same price as the private consumers, and also 1s. 6d. for each lamp?—They do.

138. By whom are the lamps lighted?—The men employed by the Commissioners light the lamps.

139. Mr. ECHAM.—What was the cost of the Act of 1867?—It was under £350 by special agreement.

140. With whom was that agreement made?—With the Parliamentary agents.

141. Has that money all been paid off?—There was a rate struck to pay it.

142. Mr. LAWLESS.—Will you look to the expenditure side of your last account passed before Mr. Finlay?—Yes.

143. Were the items there all expended during the year?—Yes; everything in that account is quite correct.

144. Were the several items vouchered before Mr. Finlay?—Yes, his signature is on each of the accounts certifying that it is quite correct.

145. I see by reference to Mr. Finlay's last report that your late collector, O'Dowd, was a defaulter to the amount of £168 18s. 1d.—An order has been made against him for that amount, but he has no property, and a summons and plaint was issued last week against one of his servants.

146. Why is it not against the other surety also?—The other died about a year ago or more.

147. Surely it is the duty of the Commissioners to proceed against all the persons who may be made liable?—They directed their collector to do what was best. He submitted a case to counsel for his opinion, and he told me a few days ago that counsel advised that it would be best to go against the sureties, and that the sureties could proceed against the representatives of the deceased surety.

148. Were there two or three sureties?—Two and the principal.

149. Have any proceedings been taken against the principal—against the collector himself?—Yes, he has been served with a summons and plaint.

150. Who are the sureties?—Mr. Patrick Murphy and Mr. Byrne, who died about a year and a half since.

151. I find there was a sum of £231 11s. 6d. on the account of 1873 as arrears of uncollected rates, which ought to have been collected by Mr. O'Dowd?—Yes.

152. That was not collected in 1873, and it appears by the report of Mr. Finlay, in 1873 (his last report), that up to that time it had not been collected, have any steps been taken by the Town Commissioners to recover that amount?—The present collector got a list of the names of the people owing the rates, but after spending a year trying to collect them he only got £15 10s. 6d. In the meantime it was suggested that they should get me to collect the old arrears, and the auditor, it appears, stated that it is perfectly legal for me to authorise me to collect them.

153. Mr. ECHAM.—It appears from Mr. Finlay's report that the present collector has done his best—We have an order against Mr. O'Dowd for £15 10s. 6d.

154. Mr. LAWLESS.—Were those rates amounting to £231 11s. 6d. received by Mr. O'Dowd?—That has to be ascertained yet.

155. Mr. ECHAM.—I perceive that for some time the railway company, and some other proprietors of land were overcharged. Is it the case that that was discovered to be a fact, the railway company and others have been allowed to retain out of their correct rates sufficient to make up for the over-payments they made in past years?—In the year 1871, it was discovered that the railway company and some other parties holding land were rated too high, and the Commissioners passed a resolution allowing it to be paid back if it was legal. When the auditor heard this he insisted that we should proceed against the railway company to recover any rates that they did not pay without making any allowance for the back payments. We believe we are morally bound to allow the overcharge, but proceedings have been taken. There was an agreement with the railway company that they should refund the money if the auditor did not allow it.

156. Was that arrangement made with the railway company only, or with any other land proprietor?—Any

proprietor who would give the required security to pay it back if required by the auditor, but none gave the security except the railway company. Mr. Tyrell, one of the Commissioners, stopped the rates; but we proceeded against him, and recovered the amount which was paid.

162. Have any other Commissioners done so?—No.
163. In the account for the year ending 31st December, 1873, the Commissioners take credit for a sum of £300 under the head of Law and Parliamentary costs. Is that the balance of a larger sum?—Yes.

164. What was the entire sum?—Nearly £500.
165. Were those costs incurred in opposing a bill promoted by the Kingstown Commissioners?—Yes; a bill to put the sewage of Kingstown and Pembroke into Dalkey.

166. What became of that bill?—The Kingstown Commissioners were nominally the promoters of it, but they did not take any steps as Commissioners to present it. Proceedings were taken in the Court of Chancery for the purpose of obtaining an injunction, which were successful. They brought it to the House of Lords and they were allowed to proceed as private individuals.

167. By what authority did the Commissioners pay the costs incurred in that matter out of the rates?—Because Dalkey would have been greatly affected by it, and there was a public meeting of the ratepayers held on the subject of it.

168. Have you got any record of that meeting?—It was a public meeting; the resolution was signed by thirty ratepayers—regular notice was given and the meeting called.

169. Was there any meeting of the Commissioners consequent upon that meeting of the ratepayers?—Yes, after that meeting the Commissioners authorised Messrs. Casey and Clay to take the necessary steps to oppose the bill.

170. Can you give me the resolution passed by the Commissioners authorising Messrs. Casey and Clay to do so?—The public meeting was held on the 2nd January, 1873, and the meeting of the Commissioners was held on the same day.

171. What salary is paid to the town surveyor?—£25 a year.

172. What are his duties?—To inspect the town once a week; to attend the meetings of the Commissioners, and report everything to the Commissioners that he considers necessary.

173. Has he anything to do with the sewerage of the town?—There is a new sewage scheme going on.

174. Is there any system of sewage in Dalkey?—There is a good deal of sewage in the town.

175. When was it made?—Some of the sewers were made by the Grand Jury.

176. Before the year 1867?—Some of them are thirty years in existence and some of them have been made by the Town Commissioners.

177. Have any been made since the passing of the Act of 1867?—How long has the town surveyor been here?—He is only here about six months. There was a surveyor here before him who acted both as secretary and surveyor.

178. Do you know anything of the existing sewerage?—Yes; I have a general knowledge of it.

179. Is the town sufficiently supplied with main sewerage?—Certainly not; the Commissioners are going to expend £4,000 in making main sewerage.

180. Have they expended any money since the year 1867 in making sewerage?—I can give you the sums expended since the year 1870 in making sewers. In 1871 they expended £9 8s. 11d.; in 1872, £10 10s. 1d.; in 1873, £18 10s. 6d.; and in 1875, £50 to an engineer for making out plans and specifications for the system of main drainage, and also £100 to the same engineer to clear off his account. That is all that has been paid for sewerage since the year 1870.

181. When was the first sewer rate struck?—A rate of 4d. was struck in 1874 and 1875, and in 1876 of 6d.

182. Has there been any money borrowed on the

security of that rate yet?—Not yet; but the Commissioners are about to borrow it.

183. Has anything been done by the Town Commissioners in the way of providing main sewerage for the town since 1867?—I understand you to say substantially there has not been—Nothing with the exception of getting the maps, plans, and specifications, and getting the provisional order to enable them to go through the different places. As I said, they paid the engineer £100.

184. Where does that sum appear in the accounts?—£60 is in the account for 1873 and £100 in the last audited account. Last year we also paid £10 for lithographing maps.

185. To whom was this paid?—The £100 was paid to Mr. Andrews.

186. Is he your town surveyor?—No.

187. Mr. Estlin—Who held the inquiry here: was it Mr. O'Brien?—No; it was Mr. Robinson.

188. What staff have you for looking after the sanitary condition of the town?—There is no staff. When I discover a nuisance I serve a notice on the doctor, who, if he considers it to be a nuisance, makes a report to the Commissioners. I keep a separate book for sanitary business. (Book produced.)

189. Do you keep a book which shows the nature of the complaint, the order made on the report, the steps taken to enforce it, and the result?—No.

190. The Local Government Board could supply you with a book of such a form. Do you give any return or make any report to the Commissioners as to whether nuisances have been abated or not?—No.

191. What do you do respecting the people do not abate nuisances?—I summon them before the magistrate. I have full power to enforce the carrying out of the order made by the Commissioners, and I always do it.

192. Do you first make reports to the doctor?—Yes.

193. How often do the sanitary committee meet?—Whenever there is any business to be done. Sometimes once a fortnight.

194. I find there was a meeting of the sanitary committee on the 17th January, 1873, and none between that date and the 28th March?—If there are no reports from the doctor there is no meeting called.

195. There was notice of a nuisance on the 17th January, on Mr. Tyrell's property, and directions were given that if it was not abated before a certain period, he was to be summoned?—Yes.

196. Is there any record of its having been abated late?—No, but it has been done.

197. Were all the nuisances mentioned in this report of the 17th January abated on notices being served?—They were.

198. What is the meaning of this?

"Notice of Dalkey Urban Sanitary Authority, Waterville, 26th March—Orcoid: That I am an sanitary officer with the Local Government Board and make that return of nuisances has been served on the sanitary officer, and no report has been made; and that witness swears to part of the testimony which relates immediately thereto. The Commissioners would be glad to have information as to how they are to act?"

That was a case in which I, as an sanitary officer, served a notice on the doctor, and he did not report on it. If he does not report I have no means of bringing the notice before the Commissioners. I have no right to bring it directly before them. There was some sickness in the township at that time. The Local Government Board sent that letter to the doctor.

199. Did the doctor neglect to make a report?—He is not bound to make a report, it appears. When this question arose he referred the Commissioners to the words "as soon as may be," in the Act of Parliament. He says he is only bound to attend to it "as soon as may be."

200. Did he say he was entitled to exercise his judgment as to whether it was a nuisance or not?—I cannot say.

201. On the 26th August, 1873, a similar thing took place. Two cases were reported by you on the 5th

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inst., and it was ordered "that the sanitary officer be required to inspect them and report within twenty-four hours," and he did not do so!—Yes. He quoted that portion of the Act, and said he was not bound to do it. The Commissioners then wrote to the Local Government Board, but they would not interfere.

219. Mr. LAWRENCE.—Have you got the correspondence with the Local Government Board on this subject?—Yes, I can let you have it.

220. Mr. ECHLIN.—I see several complaints here against property belonging to Mr. Tyrrell, which are contained during 1875 and 1876. Did he pay any attention to the actions?—These are actions which required to be cleaned out. Of course that sort of work requires to be done four or five times a year. Where new wells are recommended you will never see it referred to a second time.

221. Has there been any new work done in the town?—Yes; there were a number of pigs banished.

222. Is that what you call new work?—(No answer.)

223. Were the people in the habit of keeping pigs in their houses?—Not in their houses, but very close to them. The doctor caused them all to be removed, and since then there have not been any cases of it.

224. A broken sewer was reported at the foot of Wick-road. Was that set right?—Yes, I get that remedied; there is a cesspool there which must be emptied when it is full.

225. Is the house of the person referred to here near a public sewer?—There is no sewer in that road.

226. Is it then a covered cesspool?—It is. The complaint is that the sewage comes out. When the cesspool is full it overflows on the road. I must go and get it made right again.

227. Do you think it is sufficient for the requirements of this township to have only one sub-sanitary officer who is also town clerk and executive sanitary officer?—This is a very small township, and the principal part of the houses are of a good description, so that there is but little sanitary business to be done.

228. Had you not a great deal of work lately as town clerk?—I had. I would rather not be sub-sanitary officer, though I know a good deal about sanitary matters. The Commissioners themselves proposed that I should take that office. When the application was made to the Local Government Board, they refused to sanction my appointment to the two situations, but afterwards agreed to it on being informed by the Commissioners that they could not afford to pay two men.

229. Can you say whether at a mile all houses within 100 feet of a main sewer are connected with it in accordance with the provisions of the Public Health Act?—Yes, they are.

230. What is done where there are no main sewers?—They there are cesspools.

231. Are there main sewers in this part of the town?—Yes.

232. Have all the houses connecting drains?—Since I came here I have examined every place, and in some cases people are compelled to make them. In most cases they have them, but in some cases they have not, because the sewers are too high to carry off the house drainage.

233. Do you mean the sewers already existing?—Yes; and where connecting drains cannot be made there are cesspools.

234. Where are the cesspools situated?—In the back yards.

235. Are there any of the poorer class of houses that have no cesspools?—Every house here, so far as I am aware, has a proper convenience.

236. Is there a sewer on the road to Judge Barry's place, that discharges on the public road?—That is one of the places reported to the doctor; there is a sewer.

237. Does the sewage from it run out over the public road?—It does. It is about to be cleared. I have had an answer from the doctor with regard to the place this morning—it is only a pond that has burst.

238. Mr. PERRIN informs us that the marsh at the sewer is level with the road. Is that so?—Yes. The person responsible for that place was summoned before I was sub-sanitary officer, and fined £1. He put in a sewer, but something has now broken in it, and the water is coming out on the road. The doctor says (continues)—

"I hardly repeat to you, that it appears there is free flow to the road water flowing from John Smith's houses upon the public road, and I recommend that the sewer be leveled to as it appears to me dangerous."

Some cart passed over the sewer and broke it.

239. What is the date of that report?—The 7th last.

240. When did you call the attention of the doctor to the place?—About a week ago.

241. Mr. PERRIN says the sewer is in that way a long time. Is that so?—No; it is not.

242. Mr. ECHLIN.—I am sure it is in that condition for six months at all events.

243. Mr. ECHLIN.—If that be so, it would bear out what I say, that it is hardly fair to expect Mr. O'Neill to do his business as town clerk, and look after the sanitary affairs of the town properly.

244. (To WITNESS).—What hospital accommodation is here?—There is no hospital.

245. I observe that in the sanitary book there are several cases of scrofulosis mentioned, and the houses are ordered to be disinfected: is there any disinfecting apparatus in the town?—No; I give the materials to the people and let them use them; in some cases I see that they take out the clothes and burn them.

246. Where do they take the clothes to?—Into a field; there was only one case in which that was done. There have been no cases of infectious disease in the town for the past two years, with the exception of a few very slight cases of scalding—children's cases. I served the proper notice by the directions of the doctor and there was nothing more about it.

247. Mr. LAWRENCE.—I find a great many complaints about sewers not being in proper working order, and recommendations that they should be made all right!—Yes; these cases have all been attended to.

248. Some of the complaints are as far back as 1897. Do you find that the Commissioners as a body are anxious not in prompt in carrying out the works necessary to be done?—Indeed they are; they always make the order which I carry out. Sometimes they summon parties to Kingstown before the magistrates, and go to a good deal of trouble, to get releases signed.

249. Mr. JAMES BURKE.—I am chairman of the dispensary committee, and when examining the tickets issued during the past month I found they were 180 in number, and there was not a single case of contagious disease reported in the entire Dalkey district.

250. Were these tickets all issued within the township?—Yes.

251. Were none of them in Killiney and Ballybrack?—No.

252. (To the Town Clerk).—What is done with the names of the town?—We have tried to sell it, but could not get anyone to buy it, and then we offered it to anyone who would take it away for nothing. One pound was offered for it once, and accepted. At present we are giving it to anyone willing to take it for nothing. Sometimes we are compelled to employ horses to cart it, and throw it into the first place we can get.

253. Do the Commissioners keep any horses and carts regularly for that purpose?—No; we only employ horses on certain occasions.

254. Have the Commissioners carts of their own?—Yes, I employ horses every Saturday.

255. Do you also superintend the scavenging of the town?—Yes.

256. Is filth thrown into the streets in Dalkey?—No.

257. When was Ballock-road scavenged?—About two months ago.

238. Does the jurisdiction of the sanitary authority extend to Vice-road?—It is private property, and what is thrown out there is not a nuisance. The Commissioners never claimed that road at all.

239. What do you mean by saying that it is a private road?—That's exactly what it is. It belongs to Mr. MacDonnell. The Commissioners never took up that road, and it was never given over to them.

240. Did Mr. MacDonnell make it an open public road?—It is not a road that can be properly called an open thoroughfare for there is a wall—at the end of it.

241. Mr. John Stevenson.—About these months ago I wrote to the Commissioners asking them to tell the surveyor to look after the condition of this road, but they replied and said they had not anything to say to it. At the same time they laid water and gas mains in it.

242. Mr. EXHAM (to witness).—Did the Commissioners put down the mains, and do they get water rates from the owners of houses on that road?—They do.

243. What right had they to do so if it was private property?—(No answer.)

244. Mr. Welsh (surveyor).—The master of the roads was under my notice, being engineer to the township. In Dublin the Corporation and the gas company both lay mains in the streets, but as private roads they require that they should be properly secured before they take them up, and I think this is the case in all the towns in England and Ireland—that the road should be first made secure. Then notice is served by the Corporation that the road will be taken up from the landlord, and until then it is a private road.

245. Mr. EXHAM.—Did not Mr. MacDonnell delineate that road to the public long ago?—No, because he has not properly paved it.

246. Mr. LAWLESS.—I find in the Act of 1847 that "all the roads, bridges, and footways of any township shall be made by the Commissioners at the cost of the township." Is this a road within the township?

247. Mr. Pevitt.—It is; but to show you the way the roads are kept here, I tell you that within twenty yards of the house you are sitting in, you will see the main streets left with heaps of manure and stones. Some people have cut channels across the road. They do that like in the roads here.

248. Mr. Welsh.—There are a number of private roads here which have not been handed over to the Commissioners at all.

249. Suggested by Mr. Pevitt (to Mr. Welsh).—Do you know the road leading from the church? Is that a public road?—Yes, to a certain point.

250. Is not that stepped at the end?—Yes.

251. Where is the point at which it comes to be a public road?—The church gate.

252. Why should not the same principle apply to that that you apply to Mr. MacDonnell's road?—(No answer.)

253. Mr. EXHAM.—It is a mistake to say there should be a passage through and through. The test of the being a public road is this. Has the owner dedicated it to the public, and allowed the public to use it? As Mr. Lawless reminds me, there is Ely-place in Dublin, and there is no outlet from that.

254. Mr. LAWLESS.—I do not think anyone would say Henrietta-street in Dublin is not a public street, and it is stepped by the King's Inn.

255. Suggested by Mr. Stevenson (to Town Clerk).—Was £350 spent on the bathing-place in Vice-road?—Yes.

256. Was anything more spent?—£15 10s. 6d. was paid in 1870.

257. Was there an estimate for making the bathing-place?—The £350 was for the purchase of the land. I cannot lay my hand on the estimate now. There has not been anything spent on the bathing-place since 1870.

258. How long was that bathing-place in good order?—It was out of order when I came here. The very first gale that came scattered it into bits. There was not a vestige of it.

259. Mr. LAWLESS.—Has anything been done to repair it since?—No. It is supposed not to be fit for a bathing-place.

260. Mr. Stevenson seems to think it constitutes a kind of nuisance. Do you think so?

261. Mr. Stevenson.—It is a positive nuisance. You will see following these ostentatiously exposing themselves on the rocks whilst there are frequently ladies walking close by. The Commissioners have never taken any steps to put a stop to that nuisance—the indecent exposure of men bathing on the Vine-road.

The Town Clerk.—It is the first complaint I heard.

262. Mr. Stevenson.—Why, the Commissioners came down in a body one day to inspect it; and they agreed it was a nuisance, and decided on taking steps to remedy it.

The Town Clerk.—When bathing there you are almost 100 feet under the level of the road. You cannot be seen from the road.

263. Mr. LAWLESS.—The Commissioners ought certainly either do away with the place altogether, or put up such an erection as would prevent its being used in the way stated by Mr. Stevenson. They have ample powers to do so.

264. Mr. EXHAM.—Have the Commissioners considered whether the security given by the collector is sufficient?—Oh, yes.

265. Mr. LAWLESS.—How often is the collector required to lodge?—Weekly. He is checked weekly on the system of a book kept in the union.

266. Mr. EXHAM.—Would you tell me how you stood at the end of the last financial year?—There was £562 4s. 5d. due for uncollected rates, and we owed our treasurer, the National Bank, £567 16s. 6d.

267. Mr. LAWLESS.—When was the last rate struck before that?—May 24th, 1876.

268. Mr. EXHAM.—The result is that after paying your debt to the bank you have only about £100 to pay the debts you owe for lighting the town, and other matters, besides paying current accounts and expenses up to next month even if you strike your new rate then. Is not that so?—Yes.

269. Although the rate is struck in May it is due in January, and the day after there would be rate due as well?—There are a lot of new houses built every year, and although we might legally strike the rate in January the valuation book would not be prepared from the Valentine office, and we would be at a loss with regard to the new houses.

270. Mr. LAWLESS.—I do not find surveyor's salary charged in this account?—It is not in that account; he was in office that year, but his salary did not come due until March, I think.

Mr. Miles Bruce examined.

Mr. Miles Bruce

The only thing we can do is to take a note that you wish to give your opinion on that question.

272. Mr. BEEFE.—From the formation of the township I was chairman for ten years; in October, 1873, I resigned, and did not stay longer than a member of the board. Before I had resigned my position as chairman, I had a report from Mr. O'Neill, and he told me he had reason to believe, from inspecting the books, that the collector was acting dishonestly. I

DARRELL.
April 6, 1871
Mr. Miles
Burke.

came down with my son, a barrister, and after investigating the master we found there was £70 not properly accounted for. On next day of meeting, as chairman, I stated this master had been reported to me by Mr. O'Neill. A couple of Commissioners stood up, and stated at once that this was a very improper charge to bring against such a respectable man, and they objected that the master should be spoken of at all. However, I considered it my duty as chairman to mention the master to the board; and I told the finance committee they should look after the master, and take the responsibility on themselves. Mr. O'Dowd, against whom the charge was brought, knew all about the transaction ten minutes after the board was over; so I think that persons who are not above the acquaintances of Mr. O'Dowd, but rated at only £12 a year, are not persons to represent a growing property like this. If my advice had been taken Mr. O'Dowd would never have been allowed to run the rig he did for three years after.

274. Mr. LAWLESS.—Did his defalcations amount to the sum mentioned in the auditor's report?—Yes. In fact he managed the thing in such a way that it was almost impossible to find out how the thing was done.

275. Mr. EXHAM.—Were you satisfied during the time you were a Commissioner and since, with the sanitary arrangements here?—We were not a sanitary board all the time.

276. I see that long before 1874 numerous reports were made about pigs and other nuisances in houses?—There were. I considered the question of sewers was one that always required the attention of the Commissioners, but from the immense pressure put upon the board for a certain number of years to do certain work, it was neglected. We had the harbour, the bathing-place, our water supply, and our town hall

to get up. Then we had a highly respectable professional gentleman who sent in samples of pump-water at Duley without ever stating where he got it, and it turned out to be unmercifully bad; and this was one of the causes which determined our getting the Ventry water for the township. However, I am very happy to say, notwithstanding the bad opinion given of many of our pumps, they are still resorted to by the poor people in preference to the Ventry water. With regard to the sanitary arrangements, I always considered that main drainage would be necessary according as the township grew, and it is growing very rapidly. Up to the time I left the board, I have no doubt that for the most thickly-inhabited portion of Duley there was sufficient outlet for main sewage, but, of course, where houses were built where there was no main sewerage, it will be necessary to carry out the system advised by Mr. Andrews, which does not concentrate the sewage into one point, but provides seven different outlets. We incurred £240 costs in opposing the sewerage of Kingstown coming into our township; and I trust nothing of the kind will be allowed now. I believe the Commissioners have already run some sewerage into Belfast Harbour. I believe it is run into it contrary to the wishes of most of the Commissioners; and if that is allowed it will be a very serious injury, because they have made the sewerage sufficiently deep to carry off the sewage of Glasholme, and a very unwholesome portion of Kingstown.

277. Mr. LAWLESS.—It has been said at Kingstown that this sewerage does not encroach on the Duley sewerage at all.

278. Mr. FERIN.—It is only on the boundary.

279. Mr. HYMES (a ratepayer) made a complaint relative to the illegal expenditure of £45 out of the rates in building a certain wall in part of the township to accommodate a private individual.

Mr. CAREY (Town Commissioner) examined.

280. What evidence do you wish to give?—The year I became a member of the Commissioners—in 1849—there were some works done by the Commissioners, and among the rest a retaining wall was built at Mountsaxis-road for the purpose of keeping up the roadway. It was done in consequence of a letter we received from a Mr. McDermott, who threatened to take proceedings if the Commissioners did not build up the wall as dangerous to life and property. It was done, but it was generally considered there was more work done than was necessary. I took an active part in proceeding against the party I thought should be liable to pay his portion. I was defeated. This is what Mr. Hynes alluded to as a wall costing £45. It went around two gentlemen's property; but it was a retaining wall keeping up the roadway.

281. (Suggested by Mr. HYMES).—Was the wall continued to Mr. Corrigan's ground where it was more dangerous than other places?—No. It is my opinion that Mr. Parkinson, who was in possession of the ground at the time, ought to be made pay.

282. Is this a wall along the roadside?

Mr. CAREY.—It is, and if it were not built there a horse or individual would tumble over the precipice. The wall was built to keep up the roadway. The ground inside is considerably under the roadway. It was for supporting the roadway.

283. Do you mean to say the owner of the ground should be made liable for making that wall?—That was the impression, I think, of one half of the board at that time.

284. Mr. BURKE.—I think there was an order of the board to have that done, as it formerly belonged to the Grand Jury.

285. What year was this in?—I think in 1859. From time to time stones cracked out of it; and

whether the parties having the land on the inside had a right to build it or the Commissioners had a right, I do not know.

286. Mr. LAWLESS.—I am very much of opinion the Commissioners if they did not build it would be liable to the land-owner and the public if accidents happened; but the Commissioners would have acted wrongly if that wall were only built alongside a certain portion of the road so as to protect favourite individuals.

287. Mr. HYMES.—That is the fact; because I was inspector for the Caledonian Insurance Company at the time Mr. Corrigan's house was burnt down, and the wall at that place was in a most dangerous state, and nothing was done to it.

288. Mr. GRAY.—What gave rise to the controversy was, that part of the retaining wall was done and part not done. The portion of the wall of those who were Commissioners were done, but not the other parts.

289. Mr. LAWLESS.—I can understand that granted as to the liability of this other party to pay for it, we have not anything to say to it.

290. Mr. EXHAM.—Mr. Burke, during the time you were here you had a great deal of experience. Was there favouritism in doing work for one man and not for another?—Certainly not—by the Commissioners as a body.

291. Mr. LAWLESS.—Were there ever any complaints made of favouritism being shown by Commissioners to members of their own body, or of neglect of the interests of persons who were not?—There was a good deal of little jealousy among the Commissioners. One man would say, "Oh, you have got a gas lamp opposite your house." And another "Oh, the road is cleaned in front of your house," and so on, but nothing more than that.

SUPPLEMENT TO PART III.—APPENDIX.

APPENDIX No. 1.

KINGSTOWN.

ANNUAL REPORT OF COMMISSIONERS OF KINGSTOWN TOWNSHIP.

Ann. No. 1.

*Kingstown.
Annual Report
of Commiss.
sioners.*

The Commissioners of the township of Kingstown think it advisable that, as usual, the following brief summary of the business of the Board for the past twelve months, should, for the information of the rate-payers, accompany the annual statement of accounts—

The Board of Commissioners of the Township, including the changes consequent on the annual election, held 1st January, 1877, consists of the following members—

Glaslough Ward—Michael O'Brien, Charles Burke Jordan, Hugh O'Reilly, J.P., Patrick Logan, Michael Carroll, and Edward Roche, esqrs.

Kingstown East Ward—John J. Crosswhite, J.P., John Roche, M.A., James Begg, John Reilly, and Robert Heron, esqrs.

Kingstown West Ward—Miles Kelly, James Barrett, J.P., William Donovan, John Sullivan, Daniel Sexton, and James Crowe, esqrs.

Maudlin Ward—James R. Stivens, M.A., John Doyle, and John McEvoy, esqrs.

James Barrett, esq., J.P., was elected 8th January, Chairman of the Board for the year 1877.

The roads, water, and lighting committees met weekly for the transaction of business during the past year, as did the Finance committee, and the works, market, and sanitary committees. The resolutions adopted during the three preceding years have been carried out, by which the accounts for all materials received and delivered afford a complete check to the committees; and the system also adopted by the Finance committee, at the same time of sufficing the accounts, examining returns of stockkeepers and gaugers, checking work done by the water and the sanitary inspectors weekly, has been found most satisfactory.

There has been no difficulty in presenting a sufficient quantity of metal for the roads and footways of the township. Brinley Head stone has been continued to be used for the roads on which there is much traffic, and the former arrangements still exist for an adequate supply of Bassettone, sand, and tailings.

The consumption of the Vartry water has been kept rather under the stipulated allowance during the past year. As most of the houses in the extended township have now been connected with the mains for a direct service, and as the poorer districts of the township have been supplied very fully by the public fountains erected by the Commissioners, and those put up by the owners of the premises in those localities, the residents have now an abundant supply of this necessary of life.

The gross valuation of the township for 1876, including the valuation of Government property, which is £527 5s., was reduced by the Valuation Commissioners at £71,317 15s. Deducting for lands and railways, the net valuation for rating purposes is £65,017.

The provisions of the Public Health Act, 1874, and of the Sale of Food and Drugs Act, 1875, continue to

be vigorously carried out, the following being a brief summary of the business transacted during the past year—1,775 houses and yards inspected; 147 persons were noticed to make sanitary improvements; 324 nuisances were abated by notice of abatement; 28 nuisances are pending abatement by magistrate's order; 144 persons were summoned to show nuisances; 121 privies and cesspits were cleaned; 121 pig-styes and yards were cleaned, and the manure removed; 156 houses were lime-washed by the owners; 21 privies were put in proper repair; 14 branch sewers were constructed, and 24 were cleaned; 24 applications relative to clearing of nuisances were attended to and disposed of; 14 lanes were cleaned several times, and the sweepings removed by the Commissioners' staff; 2 persons were fined 10s. each for disobeying the orders of the magistrates; 10 notices were served upon the sanitary medical officers to inspect common lodging-houses; the slum-district houses have been inspected weekly; 46 samples of milk were procured and sent to Dr. Conneren to be analysed, and of these 4 only were adulterated—one with 50 per cent. of added water, the vendor of which was fined 25; the second and third with 16 per cent. each of added water, fines £5 each; and the fourth 12 per cent. of added water, not yet dealt with.

The continued healthfulness of the township is proved by the rate of mortality, as returned by the Registrar-General in his weekly reports; and to ensure a perfect sanitary supervision as possible, an additional sub-sanitary officer (an acting-sergeant of the Dublin Police) was appointed last September.

An inquiry was held in February last by the Local Government Board, with a view of obtaining a Provisional Order under the Local Government Act, to be subsequently confirmed by Act of Parliament, to take power, in the most inexpensive way, to carry out main drainage, asphaltiting of footways, and other public improvements; and the sanction of the Local Government Board having been obtained to the borrowing of £5,000, for the purpose of building a town hall and court-house, and other necessary buildings, and also to the borrowing of £2,000 for asphaltiting, these sums were procured from the Royal Exchange Assurance Company last November, at the moderate rate of 4½ per cent. per annum. The Local Government Board have signified their consent to issue a Provisional Order to enable the Commissioners to carry out the projected works stated above, and to vary existing local Acts, with the view of having their provisions made more suited to public convenience.

(Signed),

ROBERT JAMES ENNIS, Town Clerk.

Town Hall, Kingstown,
January 11th, 1877.

KINGSTOWN—TOWN SURVEYOR'S REPORT.

During the past year, main sewers have been constructed for, and are now nearly completed, in the following places, viz.:—Matthew-tonnes and Kingstown-avenue, Tivoli-tonnes, Glenary-road, Adelphi and Albert-roads, Glaslough, Sandycove, and Castlepark-roads, Burdett-avenue, and Cumberland-street.

11,300 feet are now finished; and for Malgrave and Royal-tonnes, Crosswhite-park and Tivoli-road, contracts have been accepted, but as yet not started. The work is well executed and satisfactory, but owing to the large quantity of rock excavation, the progress made is tedious.

Q

Report of
Town
Surveyor.

The water supply has been economized as far as possible, and the consumption kept within statutable allowance. For a short time, your own and the Corporation meter differed considerably in registering quantity used—both have been overhauled, and now run fairly. Owing to a burst on the Vartry main near Ballysherry, from the 14th to the 25th of October, the supply was limited in pressure and amount, causing for the time a good deal of inconvenience. All your meters and appliances are in fair order. Two ornamental drinking fountains have been erected. 1,800 houses have been inspected; sixty-five notices to remedy defects have been issued; and seventy-four new services have been made.

The public lights have been carefully attended to, and twenty-two new lamps are now being erected, principally in the extra township, and filling up gaps where necessary. The band stand on the East Pier has been furnished with a new sun burner, and otherwise greatly improved; it, and all the seats on the Pier, well and neatly painted.

Asphalting the footways proceeds as rapidly as circumstances will permit of; and since September near 2,000 superficial yards have been laid, principally in your main streets and thoroughfares, prior to commencing in terraces and avenues.

New granite crossings have been put down in Upper and Lower George-street and Crosthwaite-park. In Glasthule and Sandycore extensive renewals have been made, and at same time the water-channels repaired.

Some new kerbing has been laid in Upper George-street and Castlepark-road, and it has been necessary to replace a good deal of the old kerb where asphalt is used.

Maintenance of the roads has received every attention, and as a large increased duty has been necessarily incurred, owing to the roads of the extra township falling into your hands for repairs, &c., two horses, one iron-wink-cart, and three extra men, have been added to the staff.

The amount of material used is as follows, viz.—

Brick and Stone	819 Tons.
Lime	2,617 "
Tulips and Sand	1,305 "

A central depot for your road materials would be a great convenience; and this, together with sheds for your stock of carts and implements, would be exceedingly desirable, and conducive to considerable economy.

(Signed),

FRANCIS A. DUFFY, M.A., Town Surveyor.
30th December, 1876.

Abstract of
Accounts.

ABSTRACT OF THE ACCOUNTS OF THE RECEIPTS AND EXPENDITURE OF THE COMMISSIONERS OF KINGSTOWN TOWNSHIP FOR THE YEAR ENDED 31ST DECEMBER, 1876.

Cash Account.

RECEIPTS.	£ s. d.
To Balance in Bank at beginning of year,	129 19 6
Amount of Rates collected, 1875,	9,010 14 10
Amount of Rates do. 1876,	32 17 3
Glasthule Sewer District, Balance due,	48 0 0
Do. do. do. Low Costs rapid,	2 2 6
Kingstown do. do. do.	12 10 6
Water Bills,	30 17 7
Sanitary—Fines under Sale of Food and Drugs Act, Fine for not obeying Magistrate's Order, Cleaning Asphalte, &c.	9 0 0
Local Government Board towards Salaries of Sanitary Officers under Public Health Act,	21 12 6
Market Tolls and Rent,	32 6 4
Rest of 115, Lower George's street,	16 4 4
Receipts for Water Services,	88 5 5
House Deeds made,	12 5 4
Treasury—Contribution in lieu of Rates,	76 12 0
Surplus Money from Dog Tax,	41 4 2
Assurance Company—Returned to pay Income Tax,	5 12 2
Sale of Mairies,	1 4 0
Sale of Voters' List, &c.; Old Bubble, &c.; and Contribution to Burial Fees, &c.	1 1 0
Mr. Crosthwaite—For Asphalt Materials,	1 2 0
National Bank—Interest on Credit Balance,	13 10 6
Royal Exchange Assurance Company—Loan to Build Town Hall and Court House,	5,000 0 0
To Asphalt Footways,	5,000 0 0
To Pay Mr. Sharkey, and for other Law Costs,	1,700 0 0
Total,	£31,273 17 11

EXPENDITURE.

£ s. d.	
By Water Meter Chamber, with large meter and a small meter,	
Water-works Fittings,	
Repairs of Lamps and Fittings,	
New Set of Harness and Repairs of Old Sets,	
Feeding of Horses (four for twelve months, and two additional for six months),	
Shoeing of Horses (four for twelve months, and two additional for six months),	
Salary of Town Clerk (and as Sanitary Officer, see below),	
Do. Town Surveyor,	
Mr. E. L. Alms (late Barony Cosm Collector), Annuity,	
James Murray, Esq. (late Secretary), Annuity,	
Wages of Workmen for Scavenging, Watering, &c.,	
Do. Lamp-lights and Sanitary (see below),	
Road Metalling and Stone-breaking,	
Gas Company, Lighting of Public Lamps, three quarters,	
Wages, Lamp-lights,	
Oil, Matches, &c., Lamp-lighting,	
Total,	149 6 8
	24 14 10
	32 2 6
	11 11 4
	159 15 4
	30 12 0
	150 0 0
	255 0 0
	110 0 0
	66 13 4
	£556 19 11
	132 8 9
	709 8 8
	£437 16 5
	136 12 1
	11 3 2
	569 11 8

ABSTRACT OF ACCOUNTS OF RECEIPTS AND EXPENDITURE OF THE KINGSTOWN TOWNSHIP COMMISSIONERS—continued. APP. NO. I.

EXTRAORDINARY					Kirkcaldy District of Accounts.
By Sanitary — Salaries of Executive Sanitary Officer (half to be returned by Treasury),			£35 0 0		Z. a. d.
Do. Consulting Sanitary Officer, do.,			50 0 0		
Do. Mr. Craig, Sub-Sanitary Officer, do.,			6 10 0		
Do. Acting-Sergeant Duffy, Sub-Sanitary Officer, do.,			22 6 4		
				113 16 4	
Do. Mr. Craig, Sanitary Inspector,			£52 0 0		
Printing and Stationery,			10 8 0		
Pipes for Gutterings,			3 8 4		
Repairs,			2 15 0		
Wages of Board's Workmen,			28 4 7		
				98 16 11	
Market — Salary of Clerk (who also acts as Storekeeper),			£65 0 0		
Rent, £30; Taxes, £2 1s. 6d.,			32 2 6		
Repairs, £6 10s.; Adjusting Weights, 12s. 9d.,			7 9 9		
				104 5 3	
Town Hall — Rent, £68 1s. 6d.; Taxes, £5 10s.,				93 19 8	
Water Services — Salary of Water Inspector, £77 16s.; Fittings, £44 10s. 6d.,				123 6 6	
Water Rate — £d. in pound on net Valuation to Dunbar Corporation,				1,335 14 3	
Treasury — Repayment on Account of Loan of £1,300 for Pipe-laying in New District,				68 15 3	
Board Materials — Broken Stone, Sand, Gravel, &c.,			£420 0 0		
Bray Head Stone,			141 0 0		
				580 0 0	
Paving, Kerbing, and Crossings,				140 11 3	
Advertising (including Advertisements for Sewerage Contracts),				32 15 0	
New Iron Mud Cart, £31 16s. 6d.; Repairs of Old Carts, £31 16s. 10d.,				53 13 6	
New Tools and Repairs of Old,				10 9 9	
Repairs of Fountains,				4 2 6	
Burial Fees,				22 10 0	
Grand Jury — County Charges, 2nd Mensity, 1875, £948 12s. 4d., and 1st Mensity of 1876, £774 5s. 10d.,				1,523 19 1	
Prudential Assurance Company — Half year's Interest on Loan, £16,000,				350 0 0	
Election Expenses — Hire of Booth, Clerk, and Printing,				6 13 6	
Revision Expenses — Barchier's Fees, £15 15s.; Painting, £23 2s. 1d.,				38 18 1	
Law Costs — Mr. P. H. Sharkey, Paduanercay Coun.,			£1,237 7 4		
Do., Interest on above,			54 17 9		
Do., Solicitor's Costs,			50 6 8		
Mr. Laker's Costs to August, 1876,			427 18 7		
Board of Works — Law Costs of Solicitor,			15 13 0		
Mr. R. J. Paul — Parliamentery Costs, 1875 and 1876,			36 16 6		
Solicitor's Costs in connexion with Loan of £21,700,			96 14 8		
Agent's Commission	do.		117 0 0		
				2,056 13 6	
Costs of making Branch Sewers,				3 11 6	
General Printing and Stationery,				22 7 3	
Collection Expenses — Collection Fees, £187 19 7					
Stamp, Printing, and Stationery,			13 13 8		
				201 18 3	
Asphalting — Eight Boilers for mixing, £4, Asphaltite,			£95 0 0		
Paid Contractor for laying Asphaltite,			183 1 5		
Linerite Asphaltite,			118 0 0		
Grooved Limestone,			189 16 6		
Uphall Oil Company — Shale Tar,			36 7 10		
Five dozen Bags for Materials, Frames, &c.,			7 3 0		
Miscellaneous Materials,			2 4 0		
				624 12 9	
Provisional Order Expenses — Fees of Professional Witnesses,			60 18 0		
Miscellaneous — Sir John Hawkshaw, C.E.—Report and Plans on Main Drainage, £200 0 0					
Postage Rate on Township Water Mains, 1875 and 1876,			53 19 1		
Police Tax	do.		18 12 4		
Purchase of Two Homes,			53 15 8		
Messrs. McCurdy and Mitchell — Design for Town Hall, do.,			21 0 0		
Oil Suits for Workmen, and Livery of Water Inspector and Messenger,			18 5 9		
Collector — Revising and Copying Rate Book, 1876,			16 10 0		
Income Tax on Loan of £16,000,			6 0 0		
Repairs of Stables, £10; Window Blinds for Office, £2 12s.; Painting and Repairs of Town Hall Office, £31 12s.,			35 4 0		
Office Expenses (including Clock for Board Room, £2 6s.), and Surveyor's Implements,			16 1 5		
Cards for Offices — Board Room, Secretary, Surveyor, Collector, and Sanitary Inspector,			12 6 11		
Sundry Expenses,			14 8 10		
Premises of Insurance — Town Hall, Stables, and Horses,			1 12 3		
Balance,			10,529 6 10		
Total,			£81,278 17 11		

App. No. 3.

Kingstown
Sewerage Cash
Account.

KINGSTOWN SEWERAGE CASH ACCOUNT.

Kingstown Sewer District.

RECEIPTS.

	£	s	d	£	s	d
To Treasury—Amount of Loan,	8,000	0	0			
+ Rate Collected—1d. in pound,	214 15	10				
				<u>8,214 15 10</u>		

Kingstown Sewer District.

EXPENDITURE.

	£	s	d	£	s	d
By balance withdrawn at beginning of year,	250	0	0			
Mr. Thomas Suttor, balance on foot of Glasspaper-road Sewer,	25	0	0			
Do. on foot of Bell Court do. do.	225	0	0			
Do. on foot of Matthew-tanner Sewer,	116	0	0			
Mr. John Flack, do. Tivoli-tanner Sewer,	420	0	0			
Salary of Clerk of Works—16 weeks, at £20 per week,	320	0	0			
Board of Works—Repayment on foot of Loan of £5,000,	250	10	0			
Do, repaid General Rates for Law Costs,	22	10	0			
Collection Fees,	4	0	0			
Balance in Bank,	6,048	4	9			
				<u>8,214 15 10</u>		

GLENTHALE SEWER DISTRICT.

	£	s	d
To Treasury—Amount of Loan,	2,000	0	0
+ Rate Collected—1d. in pound,	24	3	7
Mr. Arthur O'Brien, J.P.—Mortise of Cost, Chalgrove-road Sewer,	22	13	0
	<u>2,075 15 7</u>		

GLENTHALE SEWER DISTRICT.

Total, 414,200 15 5

Total, 413,200 15 5

REPORT OF G. W. FINLAY, Esq., Local Government Auditor.

Kingstown, 2nd March, 1877.

GENTLEMEN.—I have the honour to report to your board that I have audited the accounts of the receipt and expenditure of the Commissioners of Kingstown township for the year ended 31st December, 1876.

I transmit herewith an abstract of accounts.

The Commissioners have made rates during the year amounting to £3,209 7s. 4d., of which there was collected and lodged with the treasurer to the credit of the improvement fund £9,010 14s. 10d., as also a sum of £22 17s. 7d., arrears of rates of the year 1875 which had been declared irrecoverable, and which they at the time appeared to be, but were subsequently recovered; there was also a sever rate of one penny in the pound collected and lodged, amounting to £271 1s. 6d., which was placed to the credit of the Kingstown and Glenthale districts.

There were arrears of the rate of 1876 declared irrecoverable, principally on the ground that the premises were unoccupied.

It was objected to at the audit that on a former occasion the sum of £1 3s. 4d., arrears of rate on a stable the property of a member of the board, and which was let to another member to enable him to complete his qualification for the office of Commissioner, and for which stable he was accordingly rated, was declared irrecoverable by the Commissioners, on a declaration of non-occupation in the usual form.

On inquiring into this matter it was quite apparent that the rate should have been collected, and on my exposing myself to that effect, the amount was at once paid by the rated occupier.

It was alleged that the declaration was made by the owner through mistake.

The Commissioners appear to be under a misapprehension as to the effect and force of a declaration of non-occupation, they seem to think that they are bound to accept it as conclusive evidence that a tenement was unoccupied, although they might have the conclusive evidence of their own sense to the contrary.

The 60th section of the Towns Improvement Act of 1854 enacts that all unoccupied houses, &c., being at the time of making the assessment unproductive to the landlords, shall be exempt from taxation during the period of such non-occupation, but is silent as to the force or even the use of a declaration in determining the question, which is simply one of fact. If the facts known by the Commissioners be at variance with a declaration, they ought not to be influenced by the latter.

Objection was taken to the course adopted by the Commissioners in taking upon loan from the Royal Exchange Assurance Company a sum of £8,000 for building a town hall and court-house long before they were in a position to make use of the money, for which they were paying four and a half per cent., while it was lying idle with their treasurer at one per cent. interest.

This was, no doubt, an unwise and unbusinesslike arrangement, as the money ought not to have been taken until it was actually wanted for the purpose; but since the sums a more satisfactory one has been effected by purchasing consols with the money, which now bears three per cent. interest, still there is a loss of one and a half per cent. on the amount.

Law and Parliamentary costs, to the amount of £454, have been paid without taxation.

Possibly this amount would not have been dimi-

nished on taxation; yet it is always satisfactory to have costs submitted to the proper officer appointed for the purpose, whose certificate is a guarantee that the proper amount has been charged for the business transacted.

There was a question as to the sufficiency of a payment made by the late chairman of the Town Commissioners for materials for upholding which he had obtained for his private use from the Commissioners' stores, but I saw no reason for holding the amount to be insufficient. The further questions raised at the

audit as to the rights of the late chairman to have made use of materials provided for public use in the township, is one regarding which I did not feel called upon to express any opinion.

Art. No. 2
Eighth
Report of
Local
Government
Boards.

I have the honour to be, gentlemen,

Your obedient servant,

(Signed), *GEORGE W. FINLAY.*

The Local Government Board,
Custom House, Dublin.

REPORT on DEVIATIONS in SEWAGE in the GLASTHULE DRAINAGE DISTRICT.

Report on
Deviations in
Sewage.

The system of sewers for a part of the Glasthule district in the plan for which a Provisional Order was obtained, contemplated the construction of a brick sewer for 300 yards on the Breffni-road, at a cost of £450, and twelve-inch pipes in Sandycove-avenue, for a length of 300 yards, estimated at £150.

The Provisional Order for No. 3 intercepting sewer falling, the sewer in Sandycove-avenue which hinged completely on this intercepting sewer for an outfall were in consequence I may say compulsorily suspended, unless deemed advisable to create a greater nuisance at Sandycove harbour than now exists, and which could not be entertained.

Having given the design a great deal of consideration and carefully calculated the results at my disposal, I found to adhere to the original plan under the altered circumstances was a matter I could not attempt to carry out in a satisfactory manner, either financially or professionally, or do justice to the locality intended to receive the benefit of the proposed outfall.

Acting under these convictions, I adopted the system now being carried out, via, eighteen-inch and fifteen-inch pipes in Breffni-road, in place of the brick sewer, and twelve-inch pipes in Sandycove terrace and road, in lieu of those in Sandycove-avenue.

The sewer in Breffni-road, three feet by two feet in brickwork, would not be required by the estimate, and in addition its use was unnecessary for the duty it would require to perform, and the pipes as laid down will be more than ample for all future requirements, and the more so, as all surface water of more than half the rain basin of this district is still kept in its old

channel, and thus considerably relieves the main sewer of a large volume of water and road dirt.

I have calculated the use and discharges of the present system most carefully, and assuming a population of more than the average density of London had eventually to be provided for, together with the usual proportion of rain fall and water supply in the twenty-four hours, the sewers now laid down would be more than equal to four times those requirements, and in constructing the sewer along the Sandycove-road to Albert-road, I have provided for a locality much in want of sewage, at the same time cutting off from Sandycove harbour some pollution, as well as enabling the north end of Sandycove-road to be freed from a sanitary nuisance of many years standing, otherwise difficult to get rid of.

In the event of No. 3 intercepting sewer being sanctioned and constructed, a fifteen-inch pipe laid in Sandycove-avenue, West, and turning into it the twelve-inch pipe in Sandycove-road, will further relieve the pipes in Breffni-road, should such ever be required, and which I do not consider likely to occur.

In altering the system sanctioned by the Provisional Order, changing brick into pipes and otherwise, I have done so solely on my own responsibility acting as your engineer, and in what I consider to be an equally efficient and economical plan, believing such to be my duty as your officer, and in accord with my affirmation to the best of my skill, power, and ability.

(Signed), *FRANCIS A. DOYLE,*
Town Surveyor.

May 23rd, 1877.

RE KINSEY TOWN PROVISIONAL ORDER.—OPINION of J. H. MORAHAN, Esq.

Provisional
Order—
Opinion of J. H.
Morahan, Esq.

I am of opinion, that neither the 4th section of the Act of 1851, nor the 2nd section of the Act of 1869, affects the case. I do not see how either enactment can be held to turn the Act of 1851 into a Local Act, so as to bring it within the scope of the 5th section of the Local Government Act, or of the 20th section of the Public Health Act.

Taking the several parts of the petition in order—

Part 1. Is merely preliminary.

Part 2. Deals with following subjects:—

1. The compulsory purchase of land for the purpose of intercepting and outfall sewers.

2. The making, maintaining, and regulating such sewers.

3. Borrowing powers.

4. Power to make an intercepting and outfall sewer rate, not to exceed £1. in the pound.

5. Power to Commissioners of Public Works to lend any sum not exceeding £20,000 for above purposes.

In my opinion, all these objects, except the first, are outside the scope of a Provisional Order.

They either repeat powers which the petitioners have already under the Sanitary Acts, or vary the provisions of public general statutes.

With regard to (1) I see no objection to making an order under the 4th section of the Local Government Act, authorizing the compulsory purchase of land for

the purpose of making sewers in exercise of the existing powers of the Commissioners.

Part 3. Consists as it appears to me, wholly of proposed alterations of existing public general Acts, or the repetitions of their provisions, and is not within the scope of a Provisional Order.

Part 4. As to the town hall, &c., I cannot find any enactment authorizing the Local Government Board to deal with these matters.

Part 5. Except the borrowing power may be supported as an alteration of the Local Act of 1861.

Parts 6 to 14. Appear to consist altogether of alterations of existing public general statutes.

Part 15. So far as it seeks to amend the Act of 1869 can be dealt with by Provisional Order; the provision (see page 47) making the rate book evidence for the purposes of the Act of 1851, in my opinion cannot.

Part 16. (By-law) to part 19, the same observations apply as to parts 6 to 14.

On the whole, so much of the Local Government Board that it appears to me better not to hold any inquiry upon it, unless it shall have been first ascertained that the petitioners desire an order dealing with the portions within the jurisdiction of the Board.

J. H. MORAHAN.

29, Fitzwilliam-square,
28th June, 1875.

App. No. 1.

Kingstown
Letter from
A. LALOR, Esq.
to H. ROBINSON,
Esq., Esq.

LETTER FROM JOHN LALOR, Esq., TO HENRY ROBINSON, Esq.

24, Eastgate-street, Dublin,
14th December, 1875.

TOWNSHIP OF KINGSTOWN.—*No Inquiry.*

Dear Sir,—Referring to the notice received by me, I am directed respectfully to ask you, for the guidance of the Commissioners, whether upon the intended inquiry, you will go into the question of the sewers Nos. 1, 2, and 3; that is, their suitability and necessity for the respective localities, the sufficiency of the estimates

of the expense of construction, and all other matters relating thereto, in addition to the question of the purchase and taking of lands for such sewers.

Apologising for this trouble,

I am, dear sir, yours truly,

Henry Robinson, esquire,
21, Cambridge-square, Kingstown.

Re Reference
of Mr John
Lalor.

In Re EVIDENCE OF JOHN LALOR, SOLICITOR to the COMMISSIONERS of the TOWNSHIP of KINGSTOWN, given before the LOCAL GOVERNMENT and TAXATION of TOWNS INQUIRY COMMISSION (IRELAND), the 5th day of May, 1877.

For letter,
see Dr. 306.

For letter,
see Dr. 388.

For letter,
see Dr. 326.

I wish to supplement my evidence, by stating that although I had, previous to the inquiry held by Mr. O'Brien, the Local Government for Ireland Inspector, on the 7th of February, 1876, the letter from the Secretary of the Dublin, Wicklow, and Wexford Railway, of the 2nd December, 1875—(see copy herewith sent)—agreeing to permit the wastewater sewer pipe to be laid alongside of the railway, opposite Haddington-terrace and the Graham Gardens, upon the conditions therein mentioned—(this sewer known as No. 2)—but had not at the time, or until the 17th February, 1876, as after mentioned, the letter to the Railway Company as to sewer No. 1—that on the West Pier; yet Mr. George Keogh, the solicitor, and Mr. Maxwell, the secretary of the said Railway Company, attended upon the inquiry, and lodged an objection against the Commissioners taking any compulsory powers in reference to the lands and property of the said Railway Company and were prepared to support said objection.

That said objection was lodged with the Inspector of the Local Government Board.

That the agreement (copy marked No. 1 herewith sent) being proposed by Mr. Keogh and agreed to, was signed by me, opposition was withdrawn, and no compulsory powers were subsequently sought for in reference to sewer No. 1 and 2.

That the letter of the 17th February, 1876, was sent to me after the inquiry, upon my application to the directors of the said Railway Company. (See my letter, copy herewith sent). This permit intended sewer No. 1, on the West Pier, to run under or through the gentleman's building place on the West Pier, the property of the said railway.

That I also had a letter from the secretary of the Commissioners of Public Works, dated 8th December, 1875 (allowing the intended sewer No. 1 to be constructed on the West Pier, upon certain conditions therein mentioned), in my possession at the time of the inquiry; yet the solicitor of the Commissioners of Public Works, as also the engineer of the said Commissioners attended at said inquiry, and the former lodged a statement in the nature of an objection, but did not oppose; and on the 12th December, 1876, the agreement this day produced, was entered into by the Har-

bor Commissioners of Kingstown of the one part, and the Commissioners of the Township of Kingstown of the other part.

Soon after the lodging of the petition, on the 29th day of May, 1875, I sent a case to Dr. Norwood, who prepared opinion, to advise necessary proofs (being under the impression the inquiry would be held in about six weeks); and Dr. Norwood directed most full and special proofs in support of the petition, and amongst other witnesses directed to have in attendance, were engineers of eminence, scientific medical men, practically acquainted with sanitary science, and contractors, &c., &c.

When the Commissioners decided on holding the limited inquiry, under Mr. McMananah's opinion, I sent a further case to advise proofs to Dr. Norwood, and in his further directions for proofs he did not, to any great extent, alter the proofs directed by his first opinion, and retaining the proofs having reference to the question of the proposed sewer, as in his first direction for proofs.

That with reference to sewer No. 1 on the West Pier, the only parties I believe interested therein were the Commissioners of Public Works as Harbour Commissioners, the Dublin and Kingstown Railway Company, and the Dublin and Wicklow Railway Company—the latter representing the Dublin and Kingstown Railway Company—and the tenant of the Dublin and Wicklow Railway Company to the baths on said Western Pier; and that I further believe the only parties interested in sewer No. 2, viz., that on the line of railway, were the Dublin and Kingstown Railway Company, and the Dublin and Wicklow Railway Company—the former Company being represented by the latter.

That at the time of the inquiry, the Commissioners of the township of Kingstown had not the consent either verbally or in writing of the Dublin and Kingstown Railway Company, to the construction of the sewers Nos. 1 and 2, or the consent in writing of the tenant of the Dublin and Wicklow Railway Company of the baths, to the construction of sewer No. 1, on the Western Pier.

21st June, 1877.

LETTER FROM LOCAL GOVERNMENT BOARD.

Local Government Board, Dublin,
23rd March, 1878.

Sir,—Advertising to the previous correspondence on the subject, the Local Government Board for Ireland desire to state for the information of the Commissioners of the township of Kingstown, that they have received the report of their Inspector, Mr. O'Brien, forwarding the minutes of evidence which he took on the 7th inst., and the four following days, at the inquiry which he made as to the propriety of granting the Provincial Order prayed for in the petition of the Town Commissioners, dated the 25th May, 1875.

The petition consisted of nineteen different parts,

dealing with a great variety of subjects, but, in accordance with the opinion of counsel obtained by the Local Government Board, the inquiry which they were enabled to direct was confined to three of these, namely—

Part 2, Clause 1.—Praying for an order authorizing the compulsory purchase of land for the construction of certain sewers, intercepting and outfall.

Part 5. So far as it relates to an alteration of the Local Act of 1861; and

Part 15. So far as it relates to the amendment or alteration of existing Local Acts.

As regards Part 3, Clause 1—the Main Drainage

question—what the Board have to pronounce an opinion upon, at the present stage, is the giving the Commissioners control over the land required by them for the execution of these plans; but this matter is so closely interwoven with, and dependent upon, several collateral questions that in order to effect a satisfactory inquiry, it was necessary that the Inspector should afford to the various local parties interested in the result, the fullest facilities for placing their views on record in detail, and of exhausting the evidence which could be adduced.

The witnesses examined both in support and in opposition to the projected scheme, were taken from almost every class in a community capable of throwing light on the several controverted points.

The proposal of the Commissioners may conveniently be divided under two distinct heads, namely:—

1. That relating to the drainage and sewerage of Kingstown proper, and

2. That relating to the Glasholme or eastern side of the township.

After reference to the Provisional Order of the Local Government Board, dated the 27th day of June, 1874, called the "Kingstown Drainage Order," the petition proceeds as follows, namely:—

"That the discharge, as at present, of the sewerage of the township, is found to be productive of nuisance and inconvenience; and while the internal sewerage and drainage of the said township is improved and completed, will be still more inconvenient and injurious to the health and comfort of the inhabitants of said township if not remedied; and it is expedient that such sewage should be intercepted and discharged into the sea at deep water at the western pier, Kingstown, and at or near the harbour of Bullock, in the parish of Monkstown, places conveniently situated for the outfall and discharge of said sewage, and for this purpose the lands and premises hereinafter mentioned will be required.

"That plans of the several lands and premises as intended to be taken compulsorily, as also of the said intended intercepting and outfall sewers, and showing the lines thereof, have been duly deposited for public inspection (pursuant to the Act in such case made and provided), at the office of the said Commissioners, No. 164, Lower George's-street, Dublin, and are herewith lodged.

"That your petitioners have had estimates prepared by the surveyor of the said township, which show that the sum required to enable them to construct the said intercepting and outfall sewers according to the said plans, including the purchase of the necessary lands therefor, amount to the sum of £15,000 for the Kingstown drainage district, and to the sum of £8,000 for the Glasholme drainage district; making together the sum of £23,000.

"That the extension and improvement of the existing system of drains and sewers in Kingstown, as aforesaid, could usefully and conveniently be carried into execution, in connection with the construction of such intercepting and outfall sewers.

"That your petitioners seek to be empowered to put into force the provisions of the Land Clauses Acts with respect to the purchase and taking of lands and premises otherwise than by agreement, with respect to the following lands and premises, and all rights, powers, easements, liberties, and privileges in, under, and over the same, that is to say, certain lands and premises situate in the parish of Monkstown, barony of Balrook, and county of Dublin, containing two acres or thereabouts, and required for the purpose of an intercepting or outfall sewer or sewers No. 1; and certain lands and premises situate in the parish of Monkstown, barony of Balrook, township of Kingstown, and county of Dublin, containing half an acre or thereabouts, for the purpose of constructing an intercepting and outfall sewer No. 2; and certain lands and premises situate in the townlands of Glasholme and Bullock, parish of Monkstown, barony of Balrook, township of Kingstown, and county of Dublin, containing two acres or thereabouts, for the purpose of constructing an intercepting and outfall sewer No. 3.

"That under the provisions of the 43rd section of the Public Health (Ireland) Act, 1874, the Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the recommendation of the Local Government Board, make any loan to any sanitary authority for such objects as the Commissioners of Her Majesty's Treasury may deem to be sanitary improvements, in pursuance of any power of borrowing

confirmed by the Sanitary Acts, whether for works already executed or yet to be executed, such loan to be repaid within a period not exceeding thirty or fifty years, as provided by those Acts, and to bear interest at the rate of 5 per centum per annum, or such other rate as may in the judgement of the said Commissioners be necessary, in order to enable the loan to be made without loss to the Exchequer on the security of any fund or rate applicable to sanitary purposes, and without requiring any further or other security.

"That your petitioners seek power to make and maintain in the line, and according to the levels shown on the said plan, the sewers hereafter described, or some part or parts thereof, with all necessary and convenient dips, penstocks, inlets, sluices, gates, reservoirs, connecting sewers, and other works, appliances, and contrivances connected therewith successively, and in order open, take, and use such of the lands delineated on the said plan, as may be required for such purpose, that is to say, the sewers and works following:—

"A sewer in this position called 'the intercepting and outfall sewer No. 1,' and the shortening, diverting, or extending the existing sewer adjoining the western pier, Kingstown, known as 'the Harbour Commissioners' sewer,' which will extend intercepting or outfall sewer will commence at a point shown on the said plan, fifty feet or thereabouts, measured northwards from the house on the western pier, Kingstown, belonging to the Board of Public Works or Harbour Commissioners, and running from thence in a north-easterly direction to, under, or through the sea-bach or foreshore of the bay of Dublin, and said western pier, and in, under or through, the gentleman's boating place or bays on the said western pier, and terminating at a point on or under said pier, 9,360 feet or thereabouts from said foreshore or point, as shown on the said plan, where said sewer will discharge the sewage into the sea or bay of Dublin.

"A sewer, in this position called 'the intercepting and outfall sewer No. 2,' commencing at a point shown on the said plan, on the foreshore of the bay called Scotch bay and the foreshore of Dublin bay, and running thence along and under the said foreshore to and through ditches in front of Oratory-place, in possession of Manners Mender and Massey, and the representatives of the late Robert Meekins, Esq., thence by the avenue, path, or entrance to Sandy-cove bays, and so to and through Sandy-cove-sweeps, west, and through premises in possession of Miss Clegg and Mrs. Rivers, or the said representatives of the late Robert Meekins, Esq., and by Sandy-cove-sweeps, north and east, to and by the numerous streams in possession in possession of Dr. De Meekins or Meekins, or the said representatives of the late Robert Meekins, Esq., thence through the ground of St. Kilda in the foreshore or sea-bach of Dublin bay near Bullock harbour, and terminating at low-water mark on said beach, 200 feet or thereabouts westward of said Bullock harbour."

With respect to Kingstown proper two evils of great magnitude, and as to which there is, and can be no controversy whatever, exist in this part of the township. The first of these is the discharge of a main sewer near the commencement of the west pier of Kingstown harbour, and in close proximity to the bathing places there; and the second is a somewhat similar discharge of sewage, though of a less aggravated kind, at the east pier.

The remedy which the Commissioners propose for the abatement of these two great and unquestionable nuisances is comprised in the sewers No. 1 and No. 2, the plans for which have been submitted, the latter running in a westerly direction from the east pier (where it will intercept the discharge now going out there), along the line of railway to near the station-house, at which point it will join an existing sewer called "the Harbour Commissioners' sewer," which it is proposed to utilize from this point to the western pier.

Here the combined outfalls of the said No. 2 sewer will be caught up by the new intercepting sewer No. 1,

Adv. No. L
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Elections
Local Govern-
ment Board.

Rev. Mr. L.
Kingstown
Local Govern-
ment Board.

which will then run from this point along the western pier to the elbow, a distance of about 5,000 feet, when it will discharge into the sea at a depth of water which, it is estimated, most effectually protect the locality from all possibility of injury.

The principal objectors to this scheme were originally the Board of Public Works and the Dublin and Wicklow Railway Company, who set in fact the present owners of nearly all the ground proposed to be traversed by the new sewer.

Both of these bodies and the Town Commissioners have now, however, mutually agreed to terms which will enable the Commissioners to carry out their designs without obtaining any compulsory control over the property of the Board of Works and Railway Company, the application for which they have accordingly consented to forgo as far as the property of these two bodies is affected by it.

Copies of the documents stating the objections referred to and their withdrawal are enclosed herewith.

The only other objections tendered have reference to the details of the scheme, the estimated cost of carrying it out, &c.

This, according to the estimate of the Commissioners' engineer, Mr. Doyle, would be £13,747, and according to that of Mr. Cotton, &c., who was called into consultation by the Commissioners, £14,235, or £413 more.

Sir John Hawkshaw, when Mr. Doyle's plans were submitted to him in 1873, estimated the cost of the execution of this part of the scheme, as proposed by Mr. Doyle, at £15,000, or £1,353 more than the estimate now submitted by that officer, but Mr. Cotton has in his evidence stated what is probably true as to this, namely, that "he probably put English prices on many things," and on the other hand two contractors of experience expressed their readiness to undertake the execution of the works within the limit specified.

With respect to a very comprehensive scheme of drainage suggested by Sir John Hawkshaw himself it may be sufficient to observe that the Commissioners, in the exercise of their discretion, have decided that the expense would be too great to be imposed upon the township.

When the time comes for application for a loan for the works agreed upon for the execution of the works comprised in plans Nos. 1 and 2, more detailed working plans and specifications will be necessary, and will then be submitted for approval to the Local Government Board, previous to their recommendation of the loan.

Aximile arrangements having been entered into, as before stated, with the Board of Public Works and the Railway Company, the Commissioners will no doubt find little difficulty in satisfying both of those bodies in the first instance as to all matters of detail.

After full consideration, therefore, of this part of the petition, and the proposed scheme, the Local Government Board have to state that they are ready to direct the preparation and issue of a Provisional Order enabling the Town Commissioners to have control over the land necessary to enable them to carry out the construction of the intercepting sewer No. 1 and No. 2, with outfall at the elbow of the western pier 3,000 feet or thereabouts from its commencement.

The stipulations of the Board of Public Works and the Railway Company, respectively, will be protected in the Provisional Order, so far as it relates to the taking of land belonging to them—that part of the petition having now been foregone under the agreements before referred to.

The Local Government Board have now to refer to the scheme proposed for the Glashutte or eastern portion of the Kingstown Township, which it is proposed to drain by the new intercepting sewer No. 1.

The engineer, Mr. Doyle, has in his evidence given a detailed description of the present condition of the foreshore from the point where the Glashutte River, or rather the sewer, discharges into Scotch Bay, to Sandycore Harbour; and though he has explained

that the construction of the new intercepting sewer No. 2 for the Kingstown proper drainage, will have the effect of withdrawing from the Glashutte outfall a very considerable amount of the sewage at present going in that direction, namely, that amounting to sixty-eight acres of the most densely populated portion of the district, and so, of polluting to an appreciable and sensible extent the evil he has described.

It cannot be doubted, however, that what will remain will continue to constitute an evil of very serious magnitude, calling imperatively for prompt and effective action on the part of the governing body of the township for its removal.

Some evidence has been given to the effect that what is complained of in this quarter is in great part attributable to the neglected condition of the existing sewerage, and it has been contended that greater attention to this, and the simple extension to deeper water of the present sewer would sufficiently meet the absolute requirements of the case.

The great weight of the professional testimony offered is, however, altogether opposed to this view, and no room appears to remain to doubt that owing to the entire absence of currents and the steady character of the foreshores there, no effective remedy can be looked for until all the sewage, public and private, at present discharging into the bay at the point indicated, is completely intercepted and conveyed elsewhere.

But while there may be no reasonable doubt on this head, the evidence shows that when the next step is approached and a suitable outfall comes to be determined on, the governing body find themselves at once confronted with difficulties of a very formidable kind.

Mr. Doyle's plan, sewer No. 3, proposes to convey the entire sewage of the foreshore from Glashutte River to Sandycore Harbour to a point of outlet 600 feet north of the entrance to Bullock Harbour.

Mr. Paine, &c., Mr. Doyle's predecessor in office, proposed a scheme in 1867, which selected for the purpose of outfall, a point considerably more to the north of the harbour than Mr. Doyle's, but this proposal was not entertained because it was apprehended that from its proximity to the gentleman's bathing place at Sandycore point, it would have been destructive to it.

It was, no doubt, with the object of surmounting this obstacle that Mr. Doyle selected for his outfall a point which has at least the merit of not interfering in any way with this bathing place; but it seems questionable whether, in avoiding this, he has not encountered another of a far more serious kind, known as what he proposes has evoked the strongest hostility and opposition on the part of the great majority of the most respectable and influential inhabitants residing in the neighbourhood of Bullock Harbour, and is, whether rightly or wrongly, regarded by them as a measure fraught with danger to their health and comfort, as well as serious injury to their property in the district.

The evidence tendered on this part of the inquiry is of a very conflicting and contradictory kind.

Among the objections to this part of the scheme tendered to Mr. O'Brien, at the opening of the inquiry, was one from the land agent to the Port and Docks Board, but at a later stage this was withdrawn by their engineer, Mr. Stony, as the Town Commissioners undertaken that the point of outfall was, under no circumstances, to approach closer than within 600 feet of the entrance to the harbour.

In a report from the engineer on Sir John Hawkshaw's proposal in 1873, the following paragraph appears—

"The Kingstown Township boundary is a little west of Bullock Harbour, and if the outlet be not placed in the Duley district to the south-east of the harbour, the latter will be liable to be choked with filth and become a great nuisance."

"The further the outlet is to the eastward the better for Bullock and the shallow coast to the westward."

Sir John Hawkshaw's point of outfit, to which this report has reference, was much further removed from the entrance to Bullock Harbour than Mr. Doyle's, now admitted to; and in the absence of any explanation which Mr. Stoney might be able to give us as to the apparent difference between his views now and in 1873, it is difficult to reconcile them.

Possibly Mr. Stoney has satisfied himself, however, that the proposed distance of 600 feet will afford the harbour, as such, adequate protection from injury, and that he regards the sanitary aspect of the case and the apprehended injury to the property of the vicinity as being matters outside the immediate duties and responsibilities attaching to his Board, as no doubt they are.

Without actual experience, in fact, it would perhaps be impossible for anyone to determine positively how far the apprehensions of the inhabitants of the Glashan and Bullock districts, as expressed in the memorials submitted at the inquiry, are or are not well founded.

Be this as it may, there is abundant evidence to show that at best the experiment would be a very expensive one, and one in which it is extremely doubtful whether the end gained would not simply amount to transferring the evil from one locality to another.

The expense of constructing such a sewer as the line proposed to be traversed by this would require, has been variously estimated at £4,000 (Mr. Doyle); £10,739 (Mr. Pálus); and £12,000 (Mr. Gray); and this, of itself, serves to show that this part of the scheme requires to be further matured, and upon full consideration of the evidence before them the Local Government Board are not prepared to issue a Provisional Order to enable the Commissioners to carry out the plan No. 3.

The Board at the same time desire to point out that any professional witness examined has expressed concurrence in Sir John Hawkshaw's opinion that by far the best outfit for the sewer from this end of Kingstown township is to be found in the Dalkey district, and there appears to be ground for hope that arrangements can yet be made between the Dalkey and the Kingstown Commissioners for effecting this object.

The Local Government Board beg to recommend both Boards to open amicable negotiations on this subject, which, if approached in the spirit to be expected from two bodies representing such important public interests, cannot fail to result in an arrangement at once beneficial to the health of these communities and to the ratepayers of both townships.

The provisions of the 29th section of the Public Health Act, 1874, to which the attention of the Commissioners is requested, bear directly upon this question, as do those of the 19th section when it may be necessary to put them in operation.

There would appear to be less ground to anticipate resistance or refusal to co-operate amicably on the part of the Dalkey Commissioners, as far as they appeared at the inquiry as objectors to the Bullock scheme on the ground that it was "calculated to injure the harbour, and render it and the adjoining sea-shore offensive to some of the ratepayers" of Dalkey township.

Having thus interposed to prevent the Kingstown Town Commissioners from obtaining access to the only available outlet in their own district, it would seem to follow that they cannot reasonably oppose a desire on the part of the Kingstown Commissioners, when finally submitted, to unite with them in carrying out a plan promulgated by all competent authorities to be the very best that can possibly be adopted, and which must prove both in a sanitary and financial point of view of great practical advantage to both townships.

Having thus disposed of the portion of the inquiry which relates to the drainage, the Board will proceed to refer to the proposed alterations in the Kingstown Local Acts of 1861 and 1869, and which, though not of a very important kind, appear, for the most part, to be useful and reasonable, judging from the evidence tendered in support of them by Mr. Keane, Secretary to the Town Commissioners.

Some of the proposed alterations do not, however, appear to be supported by sufficient evidence of their necessity or utility.

The first of those amendments of the Local Acts is the alteration or amendment of the 13th and 16th sections of the Kingstown Improvement Act of 1861, authorising the levy and application of the Kingstown "Road Rate," so as to enable the Commissioners to apply the rate to the general purposes of the township.

It may be a great convenience to the Town Commissioners to possess this power and to use it when necessary, and the Board see no objection to the same being amended by Provisional Order accordingly.

The following are the paragraphs of the petition relating to this matter, as amended by the omission of certain words now no longer applicable—

"**Para V.—Assessments or Fees.**

"That by the 13th section of the 'Kingstown Improvement Act, 1861' it is provided:—

"That in order to raise money for carrying the several purposes of said Act into execution it shall be lawful for the Commissioners once in every year, in addition to the rates which by the 'Towns Improvement (Ireland) Act, 1854,' they are authorised to levy, to make one or more capital rate or rates, assessments or assessments, under the name of the Kingstown 'Road Rate,' provided that such rates or assessments shall not exceed a sum of 1s. 6d. in the pound in the whole in any year, without the consent of a majority of the ratepayers given at a special general meeting for that purpose convened, such majority to consist of not less than two-thirds of the persons present at such meeting, of which notice shall be given by the Commissioners, expressing that the purpose of such meeting is to consider the propriety of making an increased rate, provided always that such rates shall not in the whole in any case exceed the sum of 2s. 6d. in the pound in any year. And by the 14th section of said last-mentioned Act it is provided that said road rate shall be made or assessed on the same descriptions of premises, and shall be levied or recovered in the like and the same manner, and at the same time, or other times more convenient, subject to the like descriptions and with the like redress, by way of appeal and otherwise, as the other rates by the Commissioners in virtue of the said 'Towns Improvement (Ireland) Act, 1854,' and the Acts wholly or partly incorporated therewith, are made or assessed and levied and recovered; and by the 16th section of said Act it is provided:—

"That the rates to be levied by the Commissioners under and by virtue of said Act, shall be vested in the said Commissioners, and applied by them in carrying the several purposes of said Act into execution as hereinbefore specially provided, and to no other purpose.

"That your petitioners have, under the provisions of said Act, from time to time levied a portion of the rates thereby referred to be levied, and applied said rates as thereby directed, but said rate has not at any time exceeded the sum of 1s. 6d. in the pound.

"That it would effect a large saving of the rates of the township, and promote the comfort and convenience of the inhabitants thereof, if the footways of the said township were asphalted, and with that object they have caused estimates to be made of the expense of forming said footways with asphalt, and from said estimates it appears that a sum of £20,000 will be required for the said purpose; and your petitioners have, by resolution, dated 29th day of January, 1874, agreed of said sum of £20,000 being borrowed and applied for the purposes aforesaid.

"That your petitioners, for the purpose of building said town hall, court house, and other buildings, such have to borrow the sum of £5,000 for the aforesaid purpose, upon the security of said rate or rates so proposed to be levied, from the Public Works Loan Commissioners, at the rate of interest not exceeding five per cent., or from any public company, corporation, or individual willing to lend same, at such rate of interest not exceeding five per cent., and on such terms of repayment as your petitioners shall think fit, provided that such sum so intended to be borrowed be repaid within a period of sixty years from the date of borrowing same, or that your petitioners may be authorised to apply a portion of the Kingstown road rate for the aforesaid purpose, and to provide a fund to pay and run so proposed to be borrowed, and the interest thereon, from the aforesaid parties, should it be deemed more advisable to borrow upon the security of the road rate, rather than the improvement rate; and your petitioners also seek powers to borrow upon the security of the said rate or rates, from the parties aforesaid, and at such terms as to interest and otherwise as aforesaid, and sum of £2,000, for the purpose of asphalting the footways of the said township of Kingstown."

App. No. 1.
...
Baptists
Latin Church
Laud Society,
West Board?"

Act No. 1.
—
Kingstown
Letter from
Local Govern-
ment Board.

The remaining part of the inquiry held by Mr O'Brien had reference to the amendment of section 145 of the Dublin Grand Jury Act of 1864, relating to the steps necessary to be taken where there may be "obstruction in any public road caused by any trees so as to occasion danger to the public," and to the amendment of the Local Acts of 1861 and 1869, in certain particulars.

The following are extracts from the petition on these points:—

"**Part XV.—LOCAL GOVERNMENT AND AMENDMENT OF ACTS.**

"That section 19 of the Act of 1869, in case of title by descent, etc., howsoever it is to be read, shall be read and have effect as if among the conditions entitling the person or persons in that section mentioned to receive the compensation and rating in respect of occupancy of the person from or by whom such premises came to him or them at his or their own occupancy, as if the word 'successor' had been inserted next after the word 'descendant' and immediately preceding the word 'marriage' in the said section. Provided always that the provision of the foregoing section shall be held to apply to and include immediate lessees as well as occupiers.

"That the provisions in respect of the occupancy of which any person shall be entitled to be registered in any year as an elector and to vote at the election of any Commissioner for the township, shall not be required to be the same provision, but may be different periods computed in immediate succession by such persons during the eighteen calendar months next previous to any succeeding year, to the 20th day of July in each year, and section of the Act of 1869 shall be read and have effect accordingly.

"That no person shall quit or be about to quit any valuable property before he has paid the rates then payable by him in respect thereof, and do not pay the same to the collector on demand, any justice having jurisdiction where such person resides or his goods are found, may summon such person to appear before him at a time convenient in the summons, to show cause why such rates should not be paid, and if no sufficient cause for the non-payment of such rates be shown, accordingly the same shall be levied by distraint, and such Justice shall issue his warrant accordingly.

"That whereas, by the Act of 1861, the management of the roads and bridges in the said township was transferred from the Grand Jury of the county of Dublin to the Commissioners elected and acting in the said township, under the provisions of the said Act of 1864, and it is expedient that the rights, powers, and authorities hitherto exercised by the said Grand Jury of the said county of Dublin, under the provisions of a statute passed in the 7th and 8th years of Her present Majesty, entitled 'An Act to consolidate and amend the laws for the regulation of Grand Jury Presentments in the county of Dublin,' within the said township, should, so far as the same are applicable, be transferred to, and exercised by, the Commissioners of the said township; and it is therefore enacted that the provisions of the 146th section of the said last mentioned Act shall be incorporated herewith, and the powers in said section authorized to be exercised by the surveyor or contractor, may be exercised by the surveyor or contractor of and for the said Commissioners.

"That section 19 of the said Act of 1869, which provides the qualification of persons eligible to be elected Commissioners, be amended so far as relates to the township of Kingstown, and that from and after the confirmation of this order every male householder or occupier of full age, rated to the relief of the poor at the net annual value of £200 or upwards, in respect of lands, tenements, or hereditaments, within the said township, and occupied by him, as in said section 19 set forth, shall, if duly registered, as in said Act of 1869 (as amended by this order) contained, be eligible to be elected a Commissioner under said Act of 1869.

"Provided always that evidence of actual occupation as tenant or owner from the period required by said Act of 1869, by any occupier seeking to be registered as an elector for the said township, shall be deemed to be sufficient, without the name of said occupier or owner appearing on the rate book of the Commissioners, or of the Poor Law Union, in respect of such premises under the Acts for the relief of destitute poor in Ireland.

"That section 14 of the said Act of 1869 be repealed down to the word 'rated,' immediately preceding the words 'provided always' of the first proviso of said section.

"That section 17 of said Act of 1869, and the schedule B thereto be amended, and that from and after the confirmation by Parliament of this order, it shall not be necessary for the clerk to the said Commissioners, in preparing the book for each ward containing the names of persons entitled to be electors in the said township, as required by the 17th

section, to prepare said book according to form No. 1 in said schedule B, and the said clerk may omit from said book the several columns showing the particulars under the head 'Poor Rate,' and under the head 'Rate made under the 5th section of Act of 1864,' and under the head 'And so on for any other rates made under the said Act, or any local Act in force in the township, as the case may be,' and that the said form No. 1 in said schedule be described as follows:

"That sections 18, 19, and 20 of the said Act of 1869 shall, from and after the confirmation by Parliament of this order, be repealed.

"That the 23rd section of said Act of 1869 be amended and shall be read and have effect as if the words 'excepting nevertheless, from, with the name of every person who does not appear by the entries made in the books hereinbefore mentioned to have paid all rates by this Act required to be paid in order to qualify such person to be or to be registered as an elector of the township,' had been omitted therefrom, and that in lieu of the forms No. 1 and No. 2 in schedule B annexed to said Act of 1869, the forms No. 5 and No. 10 in schedule No. 3 to this petition annexed, be the forms in which, after the confirmation of this order, said data shall be made out as aforesaid.

"That the 24th section of said Act of 1869 be amended, by omitting the word 'twentieth,' and inserting the word 'fifteenth' immediately before the words 'day of October' in the third line of said section, and by omitting the words 'twenty-second' and inserting in lieu thereof the word 'twentieth,' in the sixth line of said section, and by omitting the words 'twenty-seventh' and inserting in lieu thereof the words 'twenty-fourth' in the eleventh and twelfth and in the sixteenth lines of the said section, and by omitting the word 'sever' and inserting in lieu thereof the word 'five' in line twenty-six and thirty-one of said 24th section of the Act of 1869, and 'only' in the last line of said 24th section shall be held to mean a copy of any list made in pursuance of the requirements of said 24th section.

"That whereas by the 29th and 32nd sections of the said Act of 1869 it is provided that these Commissioners may apply for the purpose of paying a sum not exceeding the guinea per day in the County Barrister, to be appointed as in said 29th section set forth, and by the 32nd section a reasonable sum to be by them, the said Commissioners, ascertained, may be by the said Commissioners applied for the preparing the said register and list, and that the said Commissioners may apply for that the purpose any money owing to their hands by virtue of the Act of 1864 and the Act of 1861, or either of them, and it is expedient to amend the same; be it therefore enacted that the said Commissioners may be empowered to apply for said purposes any money whatever owing to their hands by virtue of said Acts, and of any other Act or Acts, order or orders, whatsoever.

"That the 29th section of the said Act of 1869 shall be amended by omitting from the 22nd line of said section the words 'first and day of January,' and inserting in lieu thereof in the 22nd line the words 'first day of February,' and that said section shall be read and have the effect as if said words, 'first day of February,' had been originally inserted therein.

"That such portion of the 29th section of the said Act of 1869, as enacts that the decision of the barrister or assistant barrister, in the case may be, holding or presiding at any Court of Revision under said Act, shall, with respect to such revision and to the 1st of October in said section mentioned, be final and conclusive, shall be read and hereby repealed, and for the purpose of giving the same right of appeal from the decision of the said barrister or assistant barrister, as the case may be, on points of law, as is given by an Act passing in the 13th and 14th years of the reign of Her present Majesty, c. 39, and entitled 'The Parliamentary Voter (Ireland) Act,' shall be read and herewith incorporated, and shall have the same force and effect as if they were originally incorporated in the said 29th sec. of the said Act of 1869.

"That in all cases where, for any of the purposes of the said Act of 1869, the production of evidence or otherwise, for any purpose whatever, of the rate-book of the Clerk of the Union in each Act mentioned is required, it shall be sufficient instead thereof to produce as evidence or otherwise, the rate-book of the said Commissioners of the said township, as furnished to said Commissioners by the Commissioners of Valuation for Ireland, anything in any of the said Acts to the contrary notwithstanding; and that the said rate-book, as prepared from the return so furnished by the said Commissioners of Valuation, shall be held to be the rate-book of and for the said township for all intents and purposes whatsoever, and as if the words 'rate-book of the Commissioners,' as made up from the return furnished by the said Commissioners of Valuation had been included in the said Act of 1869."

The Board see no objection to the proposed amendment of section 12 of the Act of 1850, as to weakening title to premises by "succession," as well as otherwise; nor to the provision as to premises occupied in the township in succession (paragraphs 1 and 2); but it does not appear to the Board that any sufficient grounds have been shown for introducing the change of the law as regards persons quitting before payment of rates. (Paragraph 3.)

It seems quite reasonable to transfer the powers as to rates among abstraction in roads in the township to the Commissioners. (Paragraph 4.)

The amendment of the local Act as to qualification of doctors and Commissioners (paragraph 5) was not passed for.

The Board cannot approve the proposed reduction of the qualification for the office of Commissioner by abstraction of premises, from £100 to £50. (Paragraph 6.)

The Board approve of the proposed provision as to evidence of annual occupation. (Paragraph 7.)

There seems to be no objection to the repeal of the first part of section 14, as to claims to be raised. (Paragraph 8.)

The proposed alteration of the law in paragraphs Nos. 9 and 10 was abandoned.

There does not appear to be any sufficient ground to make the proposed alterations in paragraphs 11, 12, and 13, relating to form of rate-books, and particulars in ratepayers' list.

Ann. No. 1
Kingstown.
Letter from
Local Govern-
ment Board.

The Board see no objection to the alteration of dates in the 26th section of the Act relating to claims to vote on the part of persons whose names have been omitted.

There appears to be no objection to the proposal in paragraph 15, as to fund out of which the Assistant Barrister's fees may be paid, nor to the alteration of the date at which notices of the accounts are printed from 14th January to 1st of February.

Paragraph 17 involves a repeal of a general statute, and cannot be dealt with by a Provisional Order.

Paragraph 19, as to the nomination of candidates for the office of Commissioners, was abandoned.

The proposed power of appeal from decisions of the Assistant Barrister (paragraph 18) appears to be reasonable, and the Board are prepared to give effect to it, as also to the proposal to make the rate-book of the Commissioners evidence (paragraph 20), and the usual clause as to payment of expenses incurred by the Commissioners in applying for and obtaining the Provisional Order, will be made part of the order.

By order,

B. BAXTER, Secretary.

To Robert James Ennis, Esq.,
Secretary to the Kingstown Town Commissioners,
George's-street, Kingstown.

Agreed
with Ennis
Company.

AGREEMENT with RAILWAY COMPANY, 7th February, 1876.—No. 1.

LOCAL GOVERNMENT BOARD INQUIRE.

7th February, 1876.

The Kingstown Commissioners agree to the objections of the Dublin, Wicklow, and Wexford Railway Company, and agree to insert provisions in the contemplated Provisional Order exempting the lands and other property of the said Railway Company from the

operation of any compulsory purchase or any right to enter upon or interfere therewith.

Also a declaration confirming the provisions of the Town Improvement (Ireland) Act, 1854, so far as to limit at one-fourth proportion the payment of any taxation.

GEORGE KNOX.
JOHN LALOR.

Letter from
J. Lalor, esq.,
to Directors.

LETTER from JOHN LALOR, Esq., to the DIRECTORS of the DUBLIN, WICKLOW, and WEXFORD RAILWAY COMPANY, 15th February, 1876.

TOWNSHIP of KINGSTOWN.—An INQUIRY as to SEWER.
24, Essex-street, Dublin,
15th February, 1876.

GENTLEMEN.—One of the sewers about being constructed by the Commissioners of Kingstown, and designated No. 1, is intended to commence at a point fifty feet or thereabouts, measured northwards, from the bottom of the western pier, Kingstown, belonging to the Commissioners of Public Works, and running along the sea slope of the western pier, and terminating at a point 3,100 feet or thereabouts from said first mentioned point, where said sewer will discharge the sewage into the sea or bay of Dublin. The course of this sewer, which is approved of by the Commissioners of Public Works, will run upon the portion of said sea slope so occupied by the gentlemen's bathing place as aforesaid. The advantages to the bathers and inhabitants of the neighbourhood of Sandhill and Monkstown by the removal of the outfall sewer from its present place of discharge is so manifest, and the number and respectability of the witnesses who gave evidence as to the intolerable nuisance caused by the present discharge, and to which I refer, render it unnecessary for me to add more, save the hope that your Board will accede to the request herein contained in the same friendly spirit as the former was granted in the case of No. 2 sewer in your line of railway.

I am, gentlemen, your obedient servant,
JOHN LALOR.

To the Directors of the
Dublin, Wicklow, and
Wexford Railway Company,
Westland-row.

Ann. No. 2.
Dalkey.

APPENDIX No. 2.

DALKEY.

Number of Commissioners, 12. Population in 1871, 2,184. Acreage within Municipal Boundary, 502a.

TOWN COMMISSEURS.

Name and Occupation.	Value.	Name and Occupation.	Value.
Anthony O'Neill, Chirurgeon, Coach-builder.	£ 2 0 0	Wilkes Daniel, Merchant.	£ 15 0 0
Hugh O'Hanlon, J. P., Post-Chauffeur, Merchant.	50 0 0	Peter Murphy, Barber.	10 0 0
Edward Harrison, Merchant.	50 0 0	Edward Field, Victualler.	17 0 0
John Flentrop, Hotel Proprietor.	40 0 0	John Lester, Grocer and Purveyor.	40 0 0
Matthew Carty, Coal Merchant, Brass and Lead.	60 0 0	William Brown, Glass Merchant.	80 0 0
Agent.	40 0 0	Thomas McDonnell, Carpenter.	50 0 0
Christopher Hingleyton, Sublet.	60 0 0		

Hugh O'Neill, Town Clerk.

R. 2

Ann No. 2. ABSTRACT of Accounts of Receipts and Expenditure of the DALKEY TOWNSHIP COMMISSIONERS for the Year ended 31st December, 1876.

Dalkey,
Abstract of
Accounts.

RECEIPTS.

	Nature of Receipt.	£	s	d	£	s	d	Amount.
To Taxes Collected and Landed, viz.:—								
Improvement Rate,		876	11	11				
Sinking Fund Special Rate,		701	5	6				
Water Rate,		225	8	3				
Sewer Rate,		263	17	11				
Dog Licence Duty,					2,007	3	8	
Cost of Gardens in rear of Town Hall,					7	13	2	
Hire of Board-room,					6	0	0	
Contribution from Her Majesty's Government towards Salaries of Sanitary Officers,					2	10	0	
Do. in Lieu of Rates on Government Property in the Township,					3	12	6	
Interest on Government Stock (Sinking Fund Account),					18	9	2	
					21	7	7	
Net Balance due Treasurer at end of year,								£2,039 14 1
								567 14 6
								£2,606 14 7

EXPENDITURE.

	Nature of Expenditure.	£	s	d	Amount.		
By Balance due Treasurer at end of the previous year,					251 3 10		
Salaries:—Town Clerk,		483	4	0			
Executive Officer and Sanitary Sub-officer,		15	0	0			
Collector's Pensings, and Travelling Expenses in relation to the Collection,					96 4 0		
Repairs and Watering of Roads:—Wages,		142	10	3			
Materials,		142	9	4			
Horse hire (Watering and Sweaving),		27	18	1			
					319 17 8		
Lighting:—Wire Guards for Lamps,					4 16 0		
Water Supply:—Dublin Corporation for Water,		179	2	8			
Repairs of Pipes and Fountains,		23	15	9			
Rates on Water Mains,		6	9	5			
Main Drainage:—Engineers, Balance due for Maps, Plans, Specifications, &c.,		130	0	0			
Lithographing Maps,		10	0	0			
Sewer Pipes,		0	18	6			
					140 16 6		
County of Dublin Grand Jury, on foot of Warrant for 1875 (proportion of county at large charges),		328	5	4			
Do. first variety, on foot of Warrant for 1876,		133	19	0			
Town Hall:—Rent for year ended 1st July, 1876,		14	10	0			
Gas Fittings,		19	6	6			
Cool, for three years,		5	10	0			
Rates,		1	15	0			
					41 1 6		
Local Government Board for audit,					1	7	0
Printing, Advertising, and Stationery,					35	6	4
New Boat Slip at Collymore Harbour,					16	6	0
Low Costs:—Engineer, for Professional Services as a Witness,					6	6	0
Interest:—On Improvement Loan,		125	6	10			
On Piers and Harbour Loan,		125	6	10			
On Water Loan,		65	2	1			
On Amount advanced by Mr. Fleming for purchase of Government Stock on Sinking Fund Account for 1874,		3	4	5			
On Over�rafa for Treasurer,		21	3	0			
					340 3 2		
Purchase of Government Stock on account of Sinking Funds for 1874 and 1876:—							
Improvement Loan,		166	13	4			
Piers and Harbour Loan,		166	13	4			
Water Loan,		166	13	4			
On Deposit in National Bank for Main Drainage purposes,					500 0 0		
					168 18 1		
					£2,616 10 7		

I certify that the foregoing is a true abstract of the accounts of the Dalkey Township Commissioners for the year ended 31st December, 1876.

Dated 23rd February, 1877.

GEORGE W. FINLAY, Local Government Auditor.

REPORT of G. W. FINLAY, Esq., Local Government Auditor.¹

Kingstown, 23rd February, 1877.

APP. NO. 2.

DUBLIN,
Report of G.
W. Finlay, Esq.

GENTLEMEN.—I have the honour to report to your Board that I have audited the accounts of the receipts and expenditure of the Commissioners of Dulkey township for the year ended 31st December, 1876.

I transmit an abstract of the accounts from which it will be seen that the Commissioners received during the year £21,069 1s. 1d., and that they expended under the various heads of account (including payment of the balance of £2251 3s. 1d., due to their treasurer at the end of the preceding year) £5,479 12s. 6d., and placed on deposit in the National Bank for main drainage purposes, £148 1s. 1d., making in all £3,438 10s. 7d.; leaving a net balance due to their treasurer at the end of the year of £2347 1s. 6d.

The rates made in May, 1876, viz., the sinking fund special rate, water rate, improvement rate, and sewer rate, amounted, at 3s. 6d. in the pound on the net annual value of the township, to £1,369 14s. 10d., of which there was collected and lodged with the treasurer within the year, £1,437 3s. 1d. In addition there was a sum of £370 0s. 7d. arrears of previous rates collected and lodged.

The arrears of last rate outstanding on the 31st December last amounted to £682 1s. 3d.

Since I last reported on the accounts of this township, an order for £168 1s. 1d. has been obtained in the police court against the late collector O'Dowd, being the further amount of rates ascertained to have been received by him and not lodged to the credit of the Commissioners; but although six months have since elapsed nothing further has been done towards recovering the money. I understand that proceedings are about being instituted in one of the superior courts against the representatives of the revenue.

Nothing has been done since my last report towards

ascertaining the liabilities of Mr. O'Dowd and his executors in relation to the further sum of £231 1s. 6d. beyond handing over the list to the present collector, and which, as I have pointed out in a previous report, can only be done by application to the individual rate-payers appearing to be in arrear. If the list were placed in the hands of a more active and efficient officer, who would receive a liberal per centage on the amount collected and lodged, the true state of the case respecting these arrears could be ascertained. The longer the matter is allowed to remain over, the greater will be the difficulty in satisfactorily closing it.

I have seldom met a case in which there has been an equal want of delay in recovering moneys that have been misappropriated by a collector of public taxes; and it is difficult to believe that the Commissioners are really serious in the matter, and that they do not prefer the interests of their late collector and his executors to those of the ratepayers whose representatives they are.

The railway company have not as yet paid the rates assessed on their line. Legal proceedings for their recovery are still pending.

There was a payment of £24 7s. 5d. during the year in the shape of interest on advances for current expenses. I have intimated to the Commissioners that expenditure of this character cannot in future be allowed, it being illegal.

I have the honour to be, gentlemen,

Your obedient servant,

GEO. W. FINLAY.

To the Local Government Board,
Customs House, Dublin.

DWAIN : Printed by ALEXANDER TREW, 27 & 28, Abbey-street,
Printer to the Queen's Most Excellent Majesty,
For His Majesty's Stationery Office.